

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

APRIL 4, 2003

(Published April 12, 2003, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
April 4, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held 3/21/03. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (268672)

Heritage Park: Update on Compliance Report.

REGULATORY SERVICES/ENVIRONMENTAL SERVICES (268673)

2003 Children's Environmental Health Program Workplan.

Food Safety Business Plan for 2002-2004.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268674)

Minneapolis Advisory Committee on People with Disabilities: Approve appointments/reappointments.

Senior Citizen Advisory Committee: Approve appointments/reappointments.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268675)

New Family Center: Accept \$35,000 from Children Defense Fund, Covering Kids and Families Project; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS:

ATTORNEY (268676)

Appointed Personnel Legislation (HF No. 389): Proposed amendment to add council office associate positions to unclassified service.

INTERGOVERNMENTAL RELATIONS and WAYS & MEANS/BUDGET (See Rep):

FINANCE DEPARTMENT (268677)

Travel Policies: Recommendations for revisions on overnight travel, local travel.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (268678)

State Building Code: Ordinance amending Title 5, Chapter 85 of Code incorporating the new State Building Code as self-perpetuating.

Housekeeping Amendments to Building Code for Consistency with State Law: Ordinances amending Title 5 relating to Building Code and Title 13 relating to Licenses & Business Regulations to amend -- Chapter 89, Permits and Certificates of Occupancy; Chapter 91, Permit Fees; Chapter 99, Electricity; Chapter 101, Plumbing; Chapter 105, Heating, Air Conditioning and Refrigeration; Chapter 113, Retaining Walls; Chapter 277, Building Trades Licenses.

LICENSES AND CONSUMER SERVICES (268679)

Auto Frame Express (4056 Washington Ave N): Deny application for Motor Vehicle Repair Garage License.

Benz Auto Sales (4056 Washington Av. N): Deny application for Motor Vehicle Repair Garage License.

LICENSES AND CONSUMER SERVICES (268680)

Daalo Food Market (2911 Chicago Ave S): Grant Grocery and Meat Market Licenses, subject to conditions.

Penn Gas Stop (2606 Penn Ave N): Grant Provisional Grocery, Gas Station and Tobacco Licenses, subject to conditions.

Angel's Pizza (805 E 38th St): Grant On-Sale Wine Class D with Strong Beer License, subject to conditions.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (268681)

Community Emergency Response Team Program: Amend report passed February 14, 2003 to reflect actual grant awarded from federal government from "\$63,575" to "\$51,575"; and Amend Appropriation Resolution 2003R-041.

Donations to Fire Department: Accept donations to purchase CairnsIRIS Thermal Imaging Cameras from Ike's Food & Cocktails; Eparchy of Lady of Lebanon of Los Angeles St. Maron Catholic Church; and Lurie Besikof of Lapidus & Company Charitable Foundation; and Approve appropriation.

Donations to Fire Department: Accept four Thermal Imaging Cameras and associated training from proceeds of KS95 Firefighter Calendar promotion; and Rescind report passed October 11, 2002 authorizing acceptance of up to \$70,000 and Resolution 2002R-352 appropriating funds.

POLICE DEPARTMENT (268682)

Weed & Seed: Accept \$112,500 in federal grant funds from Pillsbury United Communities to fund overtime or other police services as deemed necessary to fulfill the Law Enforcement and Community Policing goals of Richard Green Central Weed and Seed 2003 Work Plan; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

JON WERTJES & DEREK LARSON (268682.1)

City Responses to Metro Transit Sector 5 Proposal: Amendments brought in to the City Council meeting 4/4/03.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (268683)

Metro Transit Sector 5 Concept Plan: Submit letter with response.

Parking restrictions near Southwest High School: Authorize test for parking arrangements, and make temporary signage to evaluate the test.

38th Street Reconstruction Project (38th St E from 23rd to 30th Av S): a) Designation, cost estimate, list of benefited properties, apply 2003 uniform assessment rates and set public hear; and b) Set public hearing for abandonment and removal of areaways in conflict with project.

Richfield Road Reconstruction (W 36th St to Sheridan Av S): a) Apply layout #1; b) Passage Resolution to construct on Park Board property; and c) Authorize to acquire assessments.

Quarterly Submittal of Traffic Zones, Restrictions and Controls: Receive and file.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (268684)

Fire Vehicles: Passage of Resolutions; a) Increasing Equipment Division appropriation; b) Request the Board & Taxation to issue and sell bonds; and c) Declare reimbursement from proceeds of tax exempt debt.

Bids: a) OP 6031, from Gunderson Brothers Cement Contractors Co, Inc. And Standard Sidewalk for construction of sidewalks, etc; b) OP 5515, with Electronic Design Co. for parking ramp security; c) OP 6040, with Thomas & Sons Construction, Inc for Hennepin streetscape between 5th & 10th St; and d) OP 6014, with Fenc-Co, for temporary chain link fencing.

New 34 million gallon Hilltop Reservoir: Authorize amendment to contract with STS Consultants, LTD for earth work and site improvements.

West Side Improvements Project: Passage of Resolution providing funds for project construction of streetscape connection from Convention Center to Nicollet Av.

WAYS AND MEANS BUDGET:

COORDINATOR (268685)

New Central Library Project: Change Management Actions.

WAYS AND MEANS BUDGET (See Rep):

CONVENTION CENTER (268686)

Event Parking: Amend contract with Metropolitan Sports Facilities Commission to continue arrangement for parking at 900 S 5th St.

COORDINATOR (268687)

City Attorney's Office Lease: Postpone renegotiation of lease for office at 333 S 7th S.

Convention Events Fund: Accept donated funds for the Greater Minneapolis Convention & Visitors Association to use for The Art Wall project.

FINANCE DEPARTMENT (268688)

Utility Billing Insert: ITS insert informing residents of City cable television channels.

Capital Long-Range Improvements Committee: City Council appointments.

HUMAN RESOURCES (268689)

Retirement Incentive, Severance Pay, Sick Leave Benefit Ordinance: Amendments deleting accrued sick leave benefit plan and replacing it with a health care savings account plan, eliminating health and dental insurance contribution for laid off employees, adding a retirement incentive and deleting expired sections.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (268690)

Information & Technology Services Master Contracts: Increase contracts and scopes with Hollstadt & Associates, Inc. and Third Wave Partnership.

PLANNING COMMISSION/DEPARTMENT (268691)

National Arts Program Grant: Accept funds donated for the City/County employee family art exhibition program.

WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):

REGULATORY SERVICES (268692)

Minneapolis Sustainability Plan: Accept grant from the Minnesota Office of Environmental Assistance to develop, adopt & implement Plan.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (268693)

Appeal:

Gene Blackledge, for Stevens Square Community Organization (re Clinton Avenue Condominium Projects, 1725-3rd Av S & 1728 Clinton Ave S): Appeal filed from decision approving variances.

Interim Use Permit:

Hamoudi Sabri, for Cedar Lake LLC (1901 E Lake St): Automobile convenience facility.

Rezoning:

John Warian, dba Press Sure Print (600-26th Ave NE & 2542-7th St NE).

Elliot Park Neighborhood Master Plan.

West Broadway Rezoning Study: Modifications to zoning maps.

The Minneapolis Plan: Amendments in relation to West Broadway Rezoning Study.

FILED:

CITY CLERK/SPECIAL PERMITS (268694)

Cedar Ave S, 309 (Midwest Mountaineering) tents;

Lake St between 2nd & 5th Aves (Sabri Properties) booths & tents;

Main St SE from E Hennepin to 6th Av SE (St Anthony Main) 9th Annual Stone Arch Festival of the Arts;

Main St SE from E Hennepin to Stone Arch Bridge (St Anthony Main) 20th Annual Mpls Riverfront District Celebration.

The following reports were signed by Mayor Rybak on 4/10/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee recommends passage of the accompanying Resolution approving appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities. Adopted 4/4/03.

Resolution 2003R-106, approving appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-106

By Johnson Lee

Approving appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities.

Whereas, the Mayor has submitted his recommendations for appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following persons be appointed to the Committee for one-year terms to expire December 31, 2003:

Allen Hooker, 4050 Sheridan Av N (Ward 4), to fill the unexpired term of Katharine Grathwol;

Eric Peterson, 4440 Beard Av S (Ward 13), to fill the unexpired term of Patrick King.

Be It Further Resolved that the following persons be reappointed to the Committee for two-year terms to expire December 31, 2004:

Dorothy Balen, 528 19th Av S (Ward 2);
Kenneth Brown, 3808 E 45th St (Ward 12);
Douglas Friauf, 2329 S 9th St (Ward 2);
Martha Hage, 121 Washington Av S (Ward 7);
Lolly Lijewski, 1225 LaSalle Av (Ward 7);
Margery (Gigi) Pilhofer, 1425 W 28th St (Ward 7);
Jim Ramnaraine, 5148 16th Av S (Ward 11);
Joan Willshire, 660 N 2nd St (Ward 5).
Adopted 4/4/03.

H&HS - Your Committee recommends passage of the accompanying Resolution approving appointments and reappointments to the Senior Citizen Advisory Committee.
Adopted 4/4/03.

Resolution 2003R-107, approving appointments and reappointments to the Senior Citizen Advisory Committee, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-107
By Johnson Lee

Approving appointments and reappointments to the Senior Citizen Advisory Committee.

Whereas, the Mayor and Council President have submitted their recommendations for appointments and reappointments to the Senior Citizen Advisory Committee;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Thomas Leavey, 829 22nd Av SE (Ward 2), representing Member-at-Large, be appointed to the Committee to fill the unexpired term of Martha Michlen, to expire December 31, 2003.

Be It Further Resolved that the following persons be reappointed to the Committee for two-year terms to expire December 31, 2004:

Elizabeth Bingaman, 5512 26th Av S, representing Ward 12;
Mary Ann Blade, 18615 37th Av N, Plymouth, representing the Minnesota Visiting Nurse Agency;
Elana Gravitz, 4553 34th Av S (Ward 12), representing the Nokomis Healthy Seniors Program;
Martha Schmitt, 3450 47th Av S (Ward 12), representing Minneapolis Age and Opportunity/Volunteers of America;
Kenneth Moritz, 2950 Dean Parkway (Ward 7), representing the Minnesota Board on Aging;
Shirley Underwood, 2425 E Franklin, representing Ward 2;
Clarissa Walker, 3740 3rd Av S (Ward 8), representing the Sabathani Community Center.
Adopted 4/4/03

H&HS - Your Committee, having received a status report on the Skyway Senior Center, now recommends that the Committee express its support for the Center and Directs Staff to do all they can to line up sufficient funding to put the Center on a sustainable basis.
Adopted 4/4/03.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept \$35,000 from the Children's Defense Fund, Covering Kids and Families Project to provide funds

for the New Families Center. Further, passage of the accompanying Resolution appropriating \$35,000 to Health & Family Support.

Adopted 4/4/03.

Resolution 2003R-108, amending The 2003 General Appropriation Resolution, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-108
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) by \$35,000 and increasing the Revenue Source (060-860-8621 - Source 3720) by \$35,000.

Adopted 4/4/03.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR - Your Committee forwards without recommendation the following proposed amendment to House File No. 389, which adds a new subsection 3 to the bill for an act relating to the City of Minneapolis; providing for the establishment of certain positions in the unclassified service of the City of Minneapolis by the Minneapolis city council:

"Section 3. City of Minneapolis; Personnel. Notwithstanding any provisions of the Minneapolis city charter, civil service rules, the Veterans Preference Act, or a general or special law or rule to the contrary, the Minneapolis city council may by ordinance establish council office associate positions in the unclassified service of the City of Minneapolis and may authorize terms and conditions of employment for those positions. In addition, the mayor of the City of Minneapolis may establish administrative or clerical positions in the unclassified service of the City of Minneapolis to serve as his or her assistants and may authorize terms and conditions of employment for those positions."

Benson moved to amend the report by deleting the language, "forwards without recommendation," and inserting in lieu thereof, "recommends approval of." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/4/03. Yeas, 11; Nays, 2 as follows:

Yeas - Benson, Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Lane, Zerby.

The **INTERGOVERNMENTAL RELATIONS** and **PUBLIC SAFETY & REGULATORY SERVICES** Committees submitted the following report:

IGR & PS&RS - Your Committee, to whom was referred from Council on 3/21/03 a resolution defending the Bill of Rights, now recommends passage of said resolution.

Adopted 4/4/03. Yeas, 11; Nays, 2 as follows:

Yeas - Benson, Goodman, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Lane, Johnson.

Resolution 2003R-109, defending the Bill of Rights, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-109

By Zerby, Zimmermann, Benson, Johnson Lee, Lilligren, Schiff and Niziolek

Defending the Bill of Rights.

Whereas, the first ten amendments to the United States Constitution, known as the Bill of Rights, guarantee individual rights and liberties; and

Whereas, individual rights and liberties are protected by international law; and

Whereas, Article I, Section 1 of the Bill of Rights of the Minnesota Constitution declares that Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good; and

Whereas, the Bill of Rights of the Minnesota Constitution further protects and guarantees:

- Freedom of speech, association and the press; and
- Privacy against unreasonable searches and seizures; and
- Freedom of religion; and
- Due process and equal protection of law; and
- Rights of the accused in criminal prosecution including a public and speedy trial by jury; and

Whereas, we believe these constitutionally guaranteed rights and liberties that are treasured by us are now threatened by:

A. The USA PATRIOT Act (Pub. L. No. 107-56), which

- Effectively eliminates judicial supervision of telephone and Internet surveillance (Sections 206 and 218); and
- Gives the Attorney General and the Secretary of State the power to designate domestic groups conducting legitimate activity as “terrorist organizations” (Section 411); and
- Grants the FBI broad access to sensitive medical, mental health, financial, library and educational records about individuals without having to show evidence of a crime, and without a court order (Sections 215 and 507); and
- Demands the prosecution of the custodian of these records who reveals a knowledge of the search (Section 215); and
- Allows secret searches of homes and offices, undermining an individual’s right to be secure in one’s home against unreasonable searches and seizures (Sections 213 and 218).

B. The Homeland Security Act of 2002 (Pub. L. No. 107-296), which

- Allows government officials to probe into all aspects of our private lives without a search warrant, and without proof of criminal wrongdoing (Title II); and
- Specifically creates a database on every American, which can record all communications (phone calls, e-mails and Internet activity), banking transactions, credit card purchases, prescriptions, school records, medical records, employment, and travel records (Title II); and
- Undermines the Privacy Act of 1974, which was intended to limit what government agencies could do with personal and private information (Title II and Title VIII Subtitle I); and
- Prevents the dissemination of public documents and records (Section 214) under the Freedom of Information Act.

C. Executive and Military Orders, and Justice Department Directives, which

- Promote the exchange of sensitive personal information with and among state and local governments and private entities (E.O. 13228); and
- Establish secret military tribunals for anyone deemed by the Justice Dept. to be an “enemy combatant” (M.O. 11/13/01); and
- Permit the monitoring and wiretapping of conversations between lawyers and federal prisoners, without a court order or supervision [Justice Department - Bureau of Prisons (28 CFR 501.3)]; and
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI [covert activities that in the past targeted domestic groups and individuals] (Attorney General’s Guidelines; May 30, 2002.); and

- Limit the disclosure of public documents and records under the Freedom of Information Act (Attorney General's Memorandum; Oct. 12, 2001); and

Whereas, Section 412 of the USA PATRIOT Act, and the Military Order of 11/13/01, specifically target foreign nationals and encourages the profiling of Muslims and people of Middle Eastern and South Asian descent, but could potentially affect anyone in the United States acting and speaking legally in opposing government policy; and

Whereas, the Military Order on secret military tribunals (66 FR 57833) could also be used to designate any foreign national as a suspected terrorist, or as aiding terrorists, and be detained, tried, convicted and even executed without a public trial, without adequate access to counsel, without the presumption of innocence or even proof of guilt beyond reasonable doubt, and without the right to appeal; and

Whereas, the USA PATRIOT Act and the Homeland Security Act permit the gathering and disclosure of personal information on American citizens who are neither accused of or under investigation for criminal activity;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we affirm our strong support for the rights and liberties enumerated above which are guaranteed by our Federal and State Constitutions, by international law, and by City Ordinances, and we oppose federal laws, directives and orders, including those cited above, to the extent that they infringe on those rights and liberties, because such laws, directives and orders threaten the residents of our City.

Be It Further Resolved that all City law enforcement agencies and personnel promptly report to the Minneapolis City Council and Human Rights Commission, to the extent legally possible, all instances in the City of Minneapolis, where activities, investigations, or proceedings have violated the fundamental rights and liberties enumerated above, including but not limited to each instance of:

- A person detained without charges, denied the right to counsel, or denied a public and speedy trial;
- A search warrant executed without notice to the subject of the warrant;
- Electronic surveillance or wiretaps conducted without judicial approval;
- Surveillance of religious or political meetings; and
- Obtaining records from educational institutions, libraries, and bookstores without judicial approval.

And they shall refrain from using City resources, including personnel and administrative or law enforcement funds to advance such unconstitutional activities.

Be It Further Resolved that the City of Minneapolis urges members of the Minnesota Congressional delegation to actively work for the revocation of any sections of the USA PATRIOT and Homeland Security Acts, and any federal legislation, orders or directives which limit or violate fundamental rights and liberties enumerated above or otherwise contained in the Constitutions of the State of Minnesota and of the United States or treaties of the United States.

Be It Further Resolved that the City Council recommends that the Director of the Minneapolis Library post a notice to all library users that their personal library records may be obtained by the federal government under the USA PATRIOT ACT.

Be It Further Resolved that the Minneapolis Police Department not engage in profiling based on race, ethnicity, citizenship, religious or political affiliation.

Be It Further Resolved that the City Clerk transmit a copy of this resolution to the persons and agencies enumerated in this Resolution.

Adopted 4/4/03. Yeas, 11; Nays, 2 as follows:

Yeas - Benson, Goodman, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Lane, Johnson.

The **INTERGOVERNMENTAL RELATIONS** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

IGR & T&PW - Your Committee recommends passage of the accompanying resolution supporting \$30 million in transportation bonding authority for Busway Rapid Transit in the Northwest Corridor.

Adopted 4/4/03.

Resolution 2003R-110, requesting the 2003 Legislature to authorize \$30 million in additional funding for the Northwest Corridor Bus Rapid Transit project, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-110
By Johnson, Colvin Roy, Benson

Supporting \$30 million in transportation bonding authority for Busway Rapid Transit in the Northwest Corridor.

Whereas, the Northwest Corridor Partnership, the City Councils of Maple Grove, Osseo, Brooklyn Park, Crystal, Robbinsdale, and Minneapolis, the Hennepin County Board of Commissioners, and the Metropolitan Council have previously adopted resolutions supporting Bus Rapid Transit in the Northwest Corridor; and

Whereas, the Partnership, City Councils, County Board, and Metropolitan Council also adopted resolutions endorsing state bonding authorization in the amount of \$50 million, sponsored by Senator Ann Rest and Representative Rich Stanek at the 2002 Legislature, and the 2002 Legislature authorized \$20 million in bonding for this project; and

Whereas, on October 16, 2002, the Partnership, following a series of public open house meetings in the Northwest Corridor, and pursuant to the recommendations of the Partnership's Community Advisory Committee, adopted a Resolution endorsing the Bus Rapid Transit median alignment and a plan for commitment of the \$20 million in 2002 bonding authority for the project; and

Whereas, Governor Tim Pawlenty has announced plans for a transportation bonding bill in the 2003 Legislature, and the Bus Rapid Transit Project in the Northwest Corridor continues to require the remaining \$30 million of the original \$50 million request in order to complete the project; and

Whereas, the total estimated cost of the Bus Rapid Transit Project in the Northwest Corridor is approximately \$130 million, of which \$50 million is requested to come from state sources, and the remaining \$80 million will come from the Metropolitan Council, Hennepin County, and other local and/or federal sources;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Northwest Corridor Partnership hereby requests that the 2003 Legislature authorize \$30 million in additional funding for the Northwest Corridor Bus Rapid Transit project.

Be It Further Resolved that the Northwest Corridor Partnership hereby invites its member cities and Hennepin County to review and consider endorsing this Resolution.

Adopted 4/4/03.

The **INTERGOVERNMENTAL RELATIONS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

IGR & W&M/Budget - Your Committee, having under consideration the City's travel policies and procedures set forth in Petn No 268677, now recommends:

- a) Adoption of the revised City policy on overnight travel, to be effective 6/1/03;
- b) Adoption of the proposed City policy on local travel, to be effective upon signature by the mayor;
- c) That Finance Department staff be directed to implement agreements to use the University of Minnesota's contracts as the new "City-preferred" travel agencies, replacing the current vendors; and
- d) That the Finance Officer will implement an administrative change to the policy to indicate that travel expenses for department heads will be appropriately reviewed.

Adopted 4/4/03.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Village Wok Inc, dba Village Wok Restaurant, 610 Washington Av SE, for a Sidewalk Cafe License (new business) to expire

April 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/4/03.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of Holy Land Brand Inc, dba Holy Land Brand, 2513 Central Av NE, for a Sidewalk Cafe License (new business) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/4/03.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Daalo Food Market for Grocery and Meat Market Licenses, subject to conditions.

Adopted 4/4/03.

Declining to Vote - Benson.

Resolution 2003R-111, granting the application of Daalo Food Market for Grocery and Meat Market Licenses, subject to conditions, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-111

By Niziolek

Granting the application of Daalo Food Market for Grocery and Meat Market Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Daalo Food Market Inc, dba Daalo Food Market, 2119 Chicago Av, for Grocery and Meat Market Licenses to expire April 1, 2003, subject to the following conditions:

a. the licensee must maintain the grocery business in compliance with Food Safety Codes at all times. Any time the business is issued orders by an environmental health specialist, the orders must be resolved by the due date.

b. the licensee understands that she must continue to be proactive in ensuring that no criminal activity will take place in or around the business. It is understood that should criminal activity occur, the Police Department must be notified. The licensee further agrees to post "No Trespassing" signs on the exterior of the business and take other management steps to continue to deter loitering.

c. the licensee agrees to have a structural engineer evaluate the structure of the building before applying for the Meat Market License.

d. the licensee agrees to clean the public area within 100 feet of the business on a daily basis.

e. the licensee understands that she must have an operating surveillance camera at all times when the business is open.

f. the licensee understands that if she decides to sell the business, the operating conditions will remain as part of the sale agreement.

g. the licensee understands that should the store be found to have significant violations of City Ordinances or the Food Code, or if it should become a problem location to the police, the City may immediately rescind this agreement to allow the grocery to continue operating.

h. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/4/03.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Penn Gas Stop for Provisional Grocery, Gas Station and Tobacco Licenses, subject to conditions.

Adopted 4/4/03.

Declining to Vote - Benson.

Resolution 2003R-112, granting the application of Penn Gas Stop for Provisional Grocery, Gas Station and Tobacco Licenses, subject to conditions, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-112

By Niziolek

Granting the application of Penn Gas Stop for Provisional Grocery, Gas Station and Tobacco Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Antoine Inc, dba Penn Gas Stop, 2606 Penn Av N, for Provisional Grocery, Gas Station and Tobacco Licenses (new proprietor) to expire April 1, 2003, subject to the following conditions:

- a. the licensee will have the two inside pay phones removed prior to opening and agreed not to install any pay phones either inside or outside the store.
- b. the licensee will call Officer Judy Perry to schedule a formal security survey, to be completed by April 1, 2003.
- c. the licensee shall comply with the Surveillance Camera Ordinance. All cameras will have recording devices attached and Officer Perry will assist in the proper placement.
- d. normal summer business hours (May 1st to September 30th) shall be 6:00 a.m. to 10:00 p.m. Normal winter business hours (October 1st to April 30th) shall be 6:00 a.m. to 9:00 p.m.
- e. the licensee will post "No Trespassing" signs by April 1, 2003. Staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.
- f. the licensee will keep all lights properly functioning and will add lights if recommended by Officer Perry.
- g. noise from the business and vehicles or stereos will be kept to a minimum.
- h. the licensee will clean the property of litter and trash daily including the area within 100 feet of property lines.
- i. all windows will be kept free of signs and other items that block the view from inside and outside the store. Merchandise on shelves will be kept low to ensure proper surveillance of the store interior by clerks.
- j. the licensee will ensure that a minimum of two staff people are working from 3:00 p.m. to closing every day to ensure proper monitoring of the pumps and to reduce negative behaviors.
- k. the licensee will contact a private towing company to remove all unauthorized vehicles. Tow company signs will be clearly posted by April 1, 2003.
- l. the licensee will chain off the lot after hours to prevent vehicles from using the lot. The locked chain will be anchored by poles and will have reflective materials to meet Crime Prevention Through Environmental Design (CPTED) standards.
- m. the licensee agrees to remove all old or faded signs from the exterior and to keep signs and banners hung straight will all corners fastened according to CPTED standards.
- n. the licensee will provide a screened and adequate dumpster with a closeable lid which shall be emptied weekly.
- o. the licensee agrees to comply with all Environmental Health orders.

- p. the licensee agrees to comply with all Fire Department requirements and orders.
 - q. the licensee agrees to comply with all Zoning site plan requirements.
 - r. the licensee will pay all fees and fines by their due dates.
 - s. final inspection and compliance with all provisions of applicable codes and ordinances.
- Adopted 4/4/03.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Angel's Pizza for an On-Sale Wine Class D with Strong Beer License, subject to conditions.

Adopted 4/4/03.

Declining to Vote - Benson.

Resolution 2003R-113, granting the application of Angel's Pizza for an On-Sale Wine Class D with Strong Beer License, subject to conditions, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-113

By Niziolek

Granting the application of Angel's Pizza for an On-Sale Wine Class D with Strong Beer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Ecula-Mex Inc, dba Angel's Pizza, 805 E 38th St, for an On-Sale Wine Class D with Strong Beer License (new business) to expire April 1, 2003, subject to the following conditions:

- a. the hours of operation will be Sunday through Thursday, 8:00 a.m. to 11:00 p.m. and Friday and Saturday, 8:00 a.m. to Midnight.
- b. the licensee understands that he cannot conduct a private party which closes the business to the public during regular business hours unless he gives written notice to the Police Department's Third Precinct CERT and SAFE Teams and the Minneapolis Liquor Licensing Office at least five business days in advance.
- c. the licensee understands that he must clean the business property and public areas within 100 feet of the property line daily.
- d. the licensee understands that he needs to ask persons loitering in and around the store to leave the area, and to report such persons to the Police Department (911) should those persons fail to leave the area.
- e. the licensee understands that the City of Minneapolis will not approve a pay telephone on any exterior walls of the business. Any telephone hung on the exterior would be hanging over City right-of-way and would require permission of the Public Works Department.
- f. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/4/03.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 4/4/03.

Declining to Vote - Benson.

Resolution 2003R-114, granting applications for Liquor, Wine and Beer Licenses, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-114

By Niziolek

Granting applications for Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire April 1, 2003

M G M Wine & Spirits Inc, dba M G M Liquor Warehouse, 3254 W Lake St;

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2003

Wellness Licensing Inc, dba Calhoun Beach Club, 2730 W Lake St (new manager);

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2003

International Catering Inc, dba Atrium Cafe, 275 Market St #59 (March 11, 2003, 5:30 p.m. to 10:00 p.m., NARI);

On-Sale Liquor Class C-2 with Sunday Sales, to expire March 23, 2003

Historic Theatre Group Ltd, dba Historic State Theatre, 805 Hennepin Av (temporary expansion of premises, March 23, 2003, 4:00 p.m. to 11:00 p.m.);

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2004

OSF International Inc, dba Old Spaghetti Factory, 233 Park Av (new manager);

Temporary On-Sale Liquor

Northern Clay Center, dba 2003 American Pottery Festival, 2424 E Franklin Av (April 19, 2003, 5:00 p.m. to 9:00 p.m.);

On-Sale Wine Class D with Strong Beer, to expire April 1, 2003

Tee & Lee Enterprises Inc, dba Singapore Restaurant, 5554 34th Av S (new business);

Off-Sale Beer, to expire April 1, 2004

Speedway Super America LLC, dba Super America #4384, 5 E Franklin Av;

Speedway Super America LLC, dba Super America #4388, 101 W Grant St;

Tom Thumb Food Markets Inc, dba Tom Thumb Store #234,

Speedway Super America LLC, dba Super America #4056, 300 Broadway St NE;

Speedway Super America LLC, dba Super America #4404, 320 Lowry Av NE;

Bakri Eddie I, dba Twins Stop N Go, 641 Broadway St NE;

Dawood Lalji Inc, dba Centre Village Shop, 700 5th Av S;

Speedway Super America LLC, dba Super America #4060, 801 W Lake St;

Brix Grocery & Meat Inc, dba Brix Grocery & Meat, 915 W Broadway;

Rainbow Food Group Inc, dba Rainbow Foods #55, 1104 Lagoon Av;

First Como Market Inc, dba First Como Market Inc, 1523 Como Av;

Rainbow Food Group Inc, dba Rainbow Foods #66, 1540 New Brighton Blvd;

Antoine Inc, dba Big Stop Foods, 1800 26th Av N;

Speedway Super America LLC, dba Super America #4185, 1816 37th Av NE;

All Stop Inc, dba Full Stop, 1818 Lowry Av N;

Obeid Inc, dba Wally's Foods, 1840 Penn Av N;

Penwood Market Inc, dba Penwood Market, 2125 Glenwood Av;

Hark's Co Inc, dba Hark's Food Market, 2401 Nicollet Av;

Speedway Super America LLC, dba Super America #4602, 2430 Marshall St;

Speedway Super America LLC, dba Super America #4378, 2445 Bloomington Av;

Speedway Super America LLC, dba Super America #4024, 2501 Hennepin Av;

Momin Mehboob H, dba Lyndale Country Boy, 2551 Lyndale Av S;

Speedway Super America LLC, dba Super America #4392, 2618 Lowry Av N;

Easyway Food Inc, dba Easyway Foods, 2820 Johnson St NE;
Jerry's Enterprises Inc, dba Cub Foods-Lake Street, 2850 26th Av S;
Vue Jer P & Houa M Vue, dba Norm's Food Market, 3347 42nd Av S;
Speedway Super America LLC, dba Super America #4173, 3357 University Av SE;
Kwik Mart Inc, dba Kwik Mart Inc, 3652 Cedar Av;
Speedway Super America LLC, dba Super America #4382, 3744 Chicago Av;
Speedway Super America LLC, dba Super America #4172, 3806 W Lake St;
Speedway Super America LLC, dba Super America #4391, 3904 E Lake St;
Speedway Super America LLC, dba Super America #4396, 4000 Lyndale Av S;
Speedway Super America LLC, dba Super America #4135, 4001 Lyndale Av S;
Speedway Super America LLC, dba Super America #4021, 4320 E Lake St;
Hark's Co Inc, dba Pump & Munch, 4401 Nicollet Av;
Speedway Super America LLC, dba Super America #4161, 4740 Cedar Av;
Speedway Super America LLC, dba Super America #4165, 5101 34th Av S;
Speedway Super America LLC, dba Super America #4166, 6000 Portland Av;
NLX Huabtais Tswbtshoj Asian Foods LLC, dba NLX Huabtais Tswbtshoj Asian Foods, 2122 W Broadway;

Temporary On-Sale Beer

Tibetan American Foundation of MN, dba Tibetan New Year, 2344 Nicollet Av (March 8, 2003, 5:00 to 10:00 p.m. at Augsburg College).

Adopted 4/4/03.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 4/4/03.

Declining to Vote - Benson.

Resolution 2003R-115, granting applications for Business Licenses, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-115

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 4, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268680):

Bowling Alley; Dry Cleaner – Nonflammable; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Farm Produce Permit Non-profit; Grocery; Ice Producer – Dealer/Wholesale; Food Manufacturer; Meat Market; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Soft Drink; Vending Machine; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Lodging House; Lodging House with Boarding; Motor Vehicle Repair Garage; Peddler – Special Religious; Plumber; Pool Table; Residential Specialty Contractor; Antique Dealer Class B; Sign Hanger; Steam & Hot Water Systems Installer; Swimming Pool – Public; Tattooist/Body Piercer; Taxicab Neighborhood Rideshare; Taxicab Vehicle; Taxicab Vehicle Nontransferable; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class B.

Adopted 4/4/03.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.
Adopted 4/4/03.

Resolution 2003R-116, granting applications for Gambling Licenses, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-116
By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling-Lawful Class B

Edison Booster Club Inc, dba Edison Booster Club Inc, 522 36 1/2 Av NE (Site: U Otter Stop In, 617 Central Av NE);

Gambling Lawful Exempt

Abbott Northwestern Hospital/Park House, dba Abbott Northwestern Hospital/Park House, 800 E 28th St (Bingo & Raffle, April 5, 2003 at Incarnation Catholic Church, 3817 Pleasant Av S);

Church of Christ the King, dba Church of Christ the King, 5029 Zenith Av S (Raffle May 3, 2003 at Ukrainian Event Center, 301 Main St NE);

Jungle Theater, dba Jungle Theater, 2951 Lyndale Av S (Raffle May 12 & 13, 2003);

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Raffle May 17, 2003);

All Saints Church, dba All Saints Church, 435 5th St NE (Bingo April 13, 2003);

St. Olaf Catholic Church, dba St. Olaf Catholic Church, 215 S 8th St (Raffle May 4, 2003).

Adopted 4/4/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to Taxicab Driver's License #017 held by Kevin A. Moss.

Adopted 4/4/03.

Resolution 2003R-117, approving Technical Advisory Committee recommendations relating to Taxicab Driver's License #017 held by Kevin A. Moss, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-117
By Niziolek

Approving Technical Advisory Committee recommendations relating to Taxicab Driver's License #017 held by Kevin A. Moss.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee (TAC) investigation on February 14, 2003 relating to Taxicab Driver's License #017 held by Kevin A. Moss, 2601 E 38th St; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations from the TAC investigation for violating the Minneapolis Taxicab Code by jeopardizing the safety of a passenger by driving his taxicab in a reckless manner, and for failure to file an accurate trip sheet for December 6, 2002;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the licensee serve a 15-day suspension as a result of the incident, in accordance with the Findings of Fact on file in the Office of the City Clerk and made a part of this Resolution by reference.

Adopted 4/4/03.

PS&RS - Your Committee, having under consideration the application for a Motor Vehicle Repair Garage License submitted by Auto Frame Express, 4056 Washington Av N, and having held a hearing to determine whether the licensee has met the requirements of Minneapolis Code of Ordinances, Chapter 259 relating to *Licenses and Business Regulations: In General*, now recommends that said license be denied for failure to obtain a Conditional Use Permit and completion of the site plan review process.

Adopted 4/4/03.

PS&RS - Your Committee, having under consideration the application for a Motor Vehicle Repair Garage License submitted by Benz Auto Sales, 4056 Washington Av N, and having held a hearing to determine whether the licensee has met the requirements of Minneapolis Code of Ordinances, Chapter 259 relating to *Licenses and Business Regulations: In General*, now recommends that said license be denied for failure to obtain a Conditional Use Permit and completion of the site plan review process.

Adopted 4/4/03.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 5, Chapter 85 of the Minneapolis Code of Ordinances relating to *Building Code: In General*, incorporating the new Minnesota State Building Code as self-perpetuating and correlating necessary amendments for consistency, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/4/03.

Ordinance 2003-Or-038 amending Title 5, Chapter 85 of the Minneapolis Code of Ordinances relating to *Building Code: In General*, amending Section 85.20 to incorporate the new Minnesota State Building Code as self-perpetuating and to correlate necessary amendments for consistency, was passed 4/4/03 by the City Council.

A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-038

By Niziolek

Intro & 1st Reading: 3/21/03

Ref to: PS&RS

2nd Reading: 4/4/03

Amending Title 5, Chapter 85 of the Minneapolis Code of Ordinances relating to Building Code: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 85.20 of the above-entitled ordinance be amended to read as follows:

85.20. State code incorporated. (a) The Minnesota State Building Code established as adopted by the Commissioner of Administration pursuant to Minnesota Statutes 16B.59 to 16B.75, and amendments thereto, filed with the secretary of state and the commissioner of administration is incorporated in this title as fully as if set forth herein, and shall be in force and effect as the building code

of the city including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted by this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein. A copy is also on file in the inspections division. The State Building Code includes the following chapters of Minnesota Rules:

- (a) 1300 Minnesota State Building Code.
- (b) 1301 Building Official Certification.
- (c) 1302 State Building Construction Approvals.
- (d) 1305 Adoption of the 1997 Uniform Building Code including appendix chapters:
 - (1) 3, Division I, Detention and Correctional Facilities.
 - (2) 12, Division II, Sound Transmission Control.
 - (3) 29, Minimum Plumbing Fixtures.
- (e) 1307 Elevators and Related Devices.
- (f) 1315 Adoption of the 1996 National Electrical Code.
- (g) 1325 Solar Energy Systems.
- (h) 1330 Fallout Shelters.
- (i) 1335 Floodproofing Regulations.
- (j) 1340 Facilities for the Handicapped.
- (k) 1346 Adoption of the 1991 Uniform Mechanical Code.
- (l) 1350 Manufactured Homes.
- (m) 1360 Prefabricated Buildings.
- (n) 1365 Snow Loads.
- (o) 1370 Storm Shelters.
- (p) 4715 Minnesota Plumbing Code.
- (q) 7670, 7672, 7674, 7676, 7678 Minnesota Energy Code.

Further, pursuant to Minnesota Rules Section 1305.0020, Subpart 2, UBC (Uniform Building Code) Appendix Chapter 33 relating to permit requirements for excavation and grading work, is adopted in its entirety, except that the director of inspections may adopt a revised fee schedule and bonding requirements as necessary.

Adopted 4/4/03.

PS&RS - Your Committee, to whom was referred ordinances amending Title 5 of the Minneapolis Code of Ordinances relating to *Building Code* and Title 13 relating to *Licenses & Business Regulations*, incorporating housekeeping amendments for consistency with the new State Building Code and State law, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Chapter 89 relating to *Permits and Certificates of Occupancy*, expanding owner-occupant permits and correlated ordinances and deleting Section 89.120 for consistency with the Building Code;
- b. Chapter 91 relating to *Permit Fees*, allowing a processing fee for refunds and setting a standard minimum fee of \$50;
- c. Chapter 99 relating to *Electricity*, regarding owner-occupant permits;
- d. Chapter 101 relating to *Plumbing*, removing the reference to the abolished plumbers examining board;
- e. Chapter 105 relating to *Heating, Air Conditioning and Refrigeration*, eliminating the duct cleaning permit;
- f. Chapter 113 relating to *Retaining Walls*, changing the height requirement from three feet to four feet for consistency with the new State Building Code;
- g. Chapter 277 relating to *Building Trades Licenses*, adjusting the surety bond amount to \$8,000 for consistency with State law.

Adopted 4/4/03.

Ordinance 2003-Or-039 amending Title 5, Chapter 89 of the Minneapolis Code of Ordinances relating to *Building Code: Permits and Certificates of Occupancy*, was passed 4/4/03 by the City Council:

a. Section 89.30 regarding *Owner-occupant permits*, expands the ability of owner-occupants to secure their own permits to work on their attached single-family home.

b. Repeals Section 89.120 regarding *When permits not required* for consistency with the State Building Code. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-039
By Niziolek
Intro & 1st Reading: 3/21/03
Ref to: PS&RS
2nd Reading: 4/4/03

Amending Title 5, Chapter 89 of the Minneapolis Code of Ordinances relating to Building Code: Permits and Certificates of Occupancy.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 89.30 of the above-entitled ordinance be amended to read as follows:

89.30. Owner-occupant permits. When a qualified owner-occupant applies for a permit regulated by Chapters 99, 101, 103 and 105 and Article IX of Chapter 509 of this Code, the director of inspections shall inquire of the applicant or the authorized member of the applicant's family as to the applicant's knowledge and skills to perform such work for which the permit is requested and the director of inspections may refuse to issue permits for any such work to any person whom the inspector has reason to believe cannot safely and adequately perform such work or which work involves any special hazards. Further, the inspector may stop any work under such permit as provided by section 93.20. Any person aggrieved as to any action regarding the denial of any permit or other action regarding such permit may appeal to the housing board of appeals as provided by Chapter 242 of this Code. (a) An owner-occupant of a single-family detached dwelling or single-family attached dwelling may apply for a permit to perform work specified in subsection (b) of this section on the premises of the dwelling. Such permits shall be exempt from the licensure requirements of this Code. In order to obtain a permit under this section, the owner-occupant must currently reside in the dwelling or intend to occupy and reside in the dwelling immediately following completion and approval of the work for which the owner-occupant permit is sought. Additionally, legally established and discernable property lines must separate the owner-occupant's dwelling from all adjacent dwellings and structures. Any dwelling for which a permit is issued under this section shall have separate electric, gas, water, and other similar services connected to the dwelling. If such a service is shared with any other dwelling or structure, an owner-occupant may not obtain a permit under this section to perform work involving the shared service. For purposes of this section, a shared service means a service that may be lawfully controlled or influenced through an adjacent property. Upon satisfactory submission and review of all required information, and compliance with all required provisions of this Code, an owner-occupant permit shall be issued. Owner-occupant permits issued based on false or misleading information submitted by the applicant are not valid, or refundable.

(b) Work for which an owner-occupant permit may be issued pursuant to this section includes work regulated by Chapters 99, 101, and 105 of this Code. An owner-occupant permit may also be issued for work that may be done by a journeyman plumber/gasfitter as defined in Section 278.10 and regulated by Chapter 103 of this Code.

Section 2. That Section 89.120 of the above-entitled ordinance be and is hereby repealed.

89.120. When permits not required. No permit shall be required for the construction, alteration or repair of buildings owned by the United States. Permits shall not be required for repairs and alterations to any building or structure the total cost of which will not exceed five hundred dollars (\$500.00), but such

repairs or alterations for which permits are not required shall not be construed to include the changing of any structural part of the building or the alteration, removal or closing of any stairway or exit, or the altering of any chimney or heating plant, the changing from one group or subgroup to another group or subgroup, the changing of the number of tenantable units in any group or subgroup of the building, or the construction of any addition to any building. The cost figure as set out in this section shall not be construed to apply to plumbing, electrical or mechanical work for which a permit is otherwise required. Adopted 4/4/03.

Ordinance 2003-Or-040 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, summarized as follows, was passed 4/4/03 by the City Council:

- a. Section 91.15 regarding *Fee refunds*, adds a \$20 fee for processing refunds.
- b. Section 91.20 regarding *Street permits* and Section 91.40 regarding *Minimum fee*, sets the basic street use permit fee and the minimum fee at \$50.
- c. Section 91.40 regarding *Minimum fee*, sets a minimum fee of \$50 for work where a permit is required and permit fee has not been established.
- d. Section 91.50 regarding *When fees doubled*, requires a double fee when work has begun without the required permits.
- e. Section 91.70 regarding *Unit based permit fee surcharge*, deletes the reference to Sections 91.680; 91.685; 91.690; 91.700; and 91.710.
- f. Repeals Section 91.95 regarding *Exceptions*, due to the fact there is no longer a contract for weatherization with its own fee schedule.
- g. Section 91.150 regarding *Fee schedule*, increases the minimum electrical fee to \$50.
- h. Repeals Article X regarding *Plaster, Stucco and Lathing Permit Fees*, which will now be included in a building permit.

A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-040
By Niziolek
Intro & 1st Reading: 3/21/03
Ref to: PS&RS
2nd Reading: 4/4/03

Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 91.15 of the above-entitled ordinance be amended to read as follows:

91.15. Fee refunds. There shall be no refund of any permit fee or plan checking fee collected by the director of inspections in accordance with this chapter when the amount of the fee so collected is fifty dollars (\$50.00) or less. However, claims for full refund of permit fees only, based on department of inspections error, may be granted. For permits which are cancelled after issuance, where no authorized work has begun, a refund of fifty (50) per cent of the permit fees claimed in excess of fifty dollars (\$50.00) may be granted less a processing fee of twenty dollars (\$20.00); in no case shall such fees retained by the director of inspections exceed one hundred dollars (\$100.00), if no work has been started. If any work authorized by a permit has been started, the department may retain a percentage of the fee for such permit over and above the one-hundred-dollar (\$100.00) maximum set out herein commensurate with the percentage of the work completed.

The director of inspections shall cause to be placed in the director of inspections' office notices of such size and readability that persons making application for permits and paying the fees therefor shall be notified of the refund policies of the department.

All claims for refunds of permit fees in accordance with this section shall be made to the director of inspections within one hundred eighty (180) calendar days of the payment of said fees.

Refunds due under the foregoing provisions shall be made upon written request of the permit applicant. The city finance officer shall refund such monies by issuing a check to the applicant for the refund amount due, upon receipt of a check request approved by the director of inspections. Said request shall contain the name and address of the permit applicant, the permit number, and the amount of refund due under this section.

~~Should the director of inspections determine that an exceptional situation exists, or should the permit applicant argue extenuating circumstances, then the matter of refund due shall be brought before the standing committee on claims to determine appropriate relief and thereafter make recommendations to the full city council for approval or denial of the refund amount to be paid.~~

Section 2. That Section 91.20 of the above-entitled ordinance be amended to read as follows:

91.20. Street permits. The director of inspections, before issuing any permit for the use or occupancy of any portion of any street, shall require the payment by the applicant for such permit, in the manner herein provided, of a fee in the amount of ~~forty-four dollars (\$44.00)~~ fifty dollars (\$50.00) for the first fifty (50) lineal feet, or fraction thereof, of such use or occupancy, and for each additional fifty (50) feet, or fraction thereof, ~~twenty-two dollars (\$22.00) shall be added to the above prescribed fee for such permit.~~ Notwithstanding the aforementioned fees as set out in this section, the fee for placing a proper building refuse container (dumpster), or a portable, temporary storage container on the street, to be used to ~~store refuse from during the course of~~ a building project on a one- or two-family dwelling, shall be fifteen dollars (\$15.00).

Section 3. That Section 91.40 of the above-entitled ordinance be amended to read as follows:

91.40. Minimum fee. ~~In no case shall the fee charged for any permit issued by the director of inspections be less than thirty-six dollars (\$36.00) for any work to be done and for which a permit is required. For any work to be done for which a permit is required, and for which a permit fee has not been established by some other section of this Code, statute, rule, or ordinance, the minimum fee shall be fifty dollars (\$50.00).~~

Section 4. That Section 91.50 of the above-entitled ordinance be amended to read as follows:

91.50. When fees doubled. Should any person begin work of a kind for which a permit from the director of inspections is required by this Code without having secured the necessary permit therefor from the director of inspections ~~either previous to or during the day where such work is commenced or on the next succeeding business day where work is commenced on a Saturday or on a Sunday or a holiday,~~ that person shall, when subsequently securing such permit, be required to pay double the fees provided for such permit, and shall be subject to all the penal provisions of said Code.

Section 5. That Section 91.70 of the above-entitled ordinance be amended to read as follows:

91.70. Unit based permit fee surcharge. The minimum fee as shown in section 91.40 and permit fees calculated on a unit item basis, as shown in sections 91.150, 91.190, 91.210, 91.220, 91.260, 91.270, 91.280, 91.320, 91.330, 91.380, 91.410, 91.420, 91.465, 91.570, ~~91.680, 91.685, 91.690, 91.700, 91.710, 91.810, 91.820, and 91.830,~~ shall be subject to a surcharge based on annual increases in the construction cost index (CCI) as published quarterly by the Engineering News Record. Such surcharge shall be effective on April first of each year based on the construction cost index for the period ending December 31 of the preceding calendar year.

For purposes of determining the surcharge, the fees stated in those sections above shall be first adjusted April 1, 1996, on the basis that no CCI adjustment was required prior to January 1, 1995. Such surcharge will be rounded off to the nearest one percent.

Section 6. That Section 91.95 of the above-entitled ordinance be and is hereby repealed.

91.95. Exceptions. ~~Work conducted under a weatherization program financed through the City of Minneapolis or any of its agencies and operated by a contractee of the City of Minneapolis or any of its agencies is exempt from the usual permit fees defined by this chapter. Instead, permit fees will be required under a schedule of fees adopted by the city council as part of the weatherization contract with the contractee.~~

Section 7. That Section 91.150 of the above-entitled ordinance be amended to read as follows:

91.150. Fee schedule. Electrical fees shall be paid according to the following schedule:

- (1) The minimum fee for each separate installation, replacement, alteration or repair as set out in the state building code shall be . . . \$3650.00
- (2) Services, changes of services, temporary services, additions, alterations or repairs on either primary or secondary services . . . 50.00
- (3) Circuits, installations of, additions, alterations or repairs of each circuit or subfeeder shall be computed separately including circuits fed from subfeeders and including the equipment served. Further, when a service is installed, each new or existing branch circuit or feeder circuit connected to the service panelboard(s) or switchboard(s) shall be included . . . 8.75
- (4) For each permit for wiring, installing and connecting transformers, capacitors or generators used for lighting, heat or power or other apparatus rated in watts, kilovolt amperes or kilovolt amperes reactive:
For each kilovolt ampere or kilovolt ampere reactive capacity, or fraction thereof there shall be a fee of . . . 0.65
- (5) For each sign or outline lighting installation . . . 31.25
- (6) For installation of low voltage systems of less than 50 volts . . . 37.50
Plus, for each opening . . . 1.25
- (7) For inspection of transient projects, including but not limited to carnivals and circuses, the inspection fees shall be computed based on the time required for inspection at the hourly rate specified in section 91.105. Power supply units, as required by this section. A like fee will be required on power supply units at each engagement during the season.
- (8) Electrical construction work. The fee for electrical construction work directly related to and necessary for a complete electrical installation and for which a permit fee has not been assessed, shall be computed based on the time required for inspection at the hourly rate specified in section 91.105.

Section 8. That Article X of the above-entitled ordinance be and is hereby repealed.

ARTICLE X. PLASTER, STUCCO AND LATHING PERMIT FEES

91.670. Fees required. The director of inspections, before issuing any permit for plastering or stucco work or the refinishing of exterior stucco, or for any lathing work, or for the installation of gypsum wallboard where it is used as a component of a required sound or fire-resistive assembly in other than one- or two-family dwellings or their accessory buildings, shall require the payment by the applicant for any such permit of fees in the amounts herein provided:

91.680. Plastering or stucco work. The fee for each permit for plastering or stucco work shall be twenty-five dollars (\$25.00) for each five hundred (500) square yards, or fraction thereof, of plastering or stucco work covered by such permit.

91.685. Spray-on plaster finish for fire-proofing. Whenever spray-on plaster finish is required for fire-proofing ratings or purposes, the fee for such plastering shall be forty-three dollars and seventy-five cents (\$43.75) for each five hundred (500) square yards, or fraction thereof, of spray-on plaster finish covered by such permit.

91.690. Refinishing exterior stucco. The fee for each permit for refinishing exterior stucco shall be twenty-five dollars (\$25.00) for each five hundred (500) square yards, or fraction thereof, of stucco refinishing covered by such permit.

91.700. Lathing work. (a) For any permit for the installation of wood, wire and metal lath erected by nails and staples, to which plastic material is to be applied, the fee shall be twenty-five dollars (\$25.00) for each five hundred (500) square yards, or fraction thereof, of such lathing covered by such permit.

(b) For any permit for the installation of lathing and for the erection and installation of light iron construction or light iron partitions, erected for the purpose of receiving metal lath, to which plastic material is to be applied, the fee shall be twenty-five dollars (\$25.00) for each five hundred (500) square yards, or fraction thereof, including the metal lath to be so installed and supported.

91.710. Fire-resistive or sound-rated gypsum. The fee for each permit for the installation of fire-resistive or sound-rated gypsum drywall systems shall be thirteen dollars and seventy-five cents (\$13.75)

for the first one thousand (1,000) square yards of surface area or fraction thereof, and seven dollars and fifty cents (\$7.50) for each additional one thousand (1,000) square yards of surface area or fraction thereof.

Adopted 4/4/03.

Ordinance 2003-Or-041 amending Title 5, Chapter 99 of the Minneapolis Code of Ordinances relating to *Building Code: Electricity*, amends Section 99.280 regarding *Permittees to be licensed; exception*, to add the ability of owner-occupants to secure their own permits for work on their attached single-family home, was passed 4/4/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-041
By Niziolek
Intro & 1st Reading: 3/21/03
Ref to: PS&RS
2nd Reading: 4/4/03

Amending Title 5, Chapter 99 of the Minneapolis Code of Ordinances relating to Building Code: Electricity.

The City Council of The City of Minneapolis do ordain as follows:

That Section 99.280 (b) of the above-entitled ordinance be amended to read as follows:

99.280. Permittees to be licensed; exception.

(b) Notwithstanding any other provision of this Code to the contrary and where permitted by state law, permits may be issued to make repairs, additions, replacements and alterations to existing electrical systems of any attached or detached single-family dwelling structure used exclusively for living purposes or any accessory buildings thereto provided that all such work in connection therewith shall be performed ~~only by the person who is the bona fide owner and occupant of such dwelling as such person's residence or a member of said owner-occupant's immediate family. As herein used, "immediate family" includes only a parent, child by birth or adoption, and said child's spouse under the authorization of a permit obtained by the owner-occupant of said dwelling pursuant to section 89.30 of this Code. However, no more than one such permit shall be issued to any person during a one year time period (365 days) for the installation of a new service.~~

Adopted 4/4/03.

Ordinance 2003-Or-042 amending Title 5, Chapter 101 of the Minneapolis Code of Ordinances relating to *Building Code: Plumbing*, summarized as follows, was passed 4/4/03 by the City Council:

a. Section 101.60 regarding *Plumber's license required*, removes the reference to the abolished plumbers examining board.

b. Section 101.70 regarding *Permits*, adds the ability of owner-occupants to secure their own permits for work on their attached single-family home.

A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-042
By Niziolek
Intro & 1st Reading: 3/21/03
Ref to: PS&RS
2nd Reading: 4/4/03

Amending Title 5, Chapter 101 of the Minneapolis Code of Ordinances relating to Building Code: Plumbing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 101.60 of the above-entitled ordinance be amended to read as follows:

101.60. Plumber's license required. No person shall construct, reconstruct, extend, alter or repair any plumbing work or building drainage, or construct cesspools, or construct, reconstruct or connect any building drainage with cesspools, legal drainage terminal or the sewer system of the city, either directly or indirectly, until such person shall have first obtained a license from the city to do such work. No holder of any such plumber's license shall allow said licensee's name to be used by any other person or persons either for the purpose of doing plumbing work or obtaining a permit therefor, nor cause or permit any person in the licensee's employ to do or perform any plumbing work for the licensee without such employee having first obtained a certificate of competency from the board of examiners of plumbers, as required by Chapter 277, Article VI, 278, Article I of this Code, or an apprentice plumber's certificate. Violation of these provisions by any such licensee shall be deemed good and sufficient cause for the revocation of the plumber's license, and the director of inspections is authorized to refuse to issue further permits to any licensee so violating said provisions. No person shall display any sign stating or implying that such person is a licensed plumber, unless such is a fact, or any sign stating or implying such that person is carrying on the business of plumbing unless such person is duly licensed to do so, as provided by this Code. No owner or lessee, nor any representative or agent of any owner or lessee, shall knowingly hire or otherwise engage any unlicensed person to do any plumbing work in any building in the city.

Section 2. That Section 101.70 (c) of the above-entitled ordinance be amended to read as follows:

101.70. Permits.

(c) Notwithstanding any other provisions of this Code to the contrary and where permitted by state law, permits may be issued to make repairs, additions, replacements and alterations to any plumbing or drainage work of any attached or detached single-family dwelling structure used exclusively for living purposes or any accessory buildings thereto provided that all such work in connection therewith shall be performed only by the person who is the bona fide owner and occupant of such dwelling as the owner-occupant's residence or a member of said owner-occupant's immediate family as herein defined. "Immediate family" includes only a parent, children by birth or adoption, and said children's spouse under the authorization of a permit obtained by the owner-occupant of said dwelling pursuant to section 89.30 of this Code.

Adopted 4/4/03.

Ordinance 2003-Or-043 amending Title 5, Chapter 105 of the Minneapolis Code of Ordinances relating to *Building Code: Heating, Air Conditioning and Refrigeration*, summarized as follows, was passed 4/4/03 by the City Council:

- a. Section 105.20 regarding *Permits*, eliminates the requirement for a duct-cleaning permit.
- b. Section 105.70 regarding *Permits only to licensed installers*, adds the ability of owner-occupants to secure their own permits for work on their attached single-family home.

A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-043

By Niziolek

Intro & 1st Reading: 3/21/03

Ref to: PS&RS

2nd Reading: 4/4/03

Amending Title 5, Chapter 105 of the Minneapolis Code of Ordinances relating to Building Code: Heating, Air Conditioning and Refrigeration.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 105.20 of the above-entitled ordinance be amended to read as follows:

105.20. Permits. (a) No person shall construct or install any heating, ventilating, air conditioning or refrigeration plant or equipment such as is subject to regulation by this chapter, in or for any building,

or alter or repair any such existing heating, ventilating, air conditioning or refrigeration plant or equipment, without first making written application to and securing a permit from the director of inspections. However, a permit will not be required for service work, repairs or replacement of components or controls of any existing heating, ventilating, air conditioning or refrigeration system if all the following requirements are met:

(1) ~~The total cost of service and labor charges is less than two hundred and fifty dollars (\$250.00).~~

(2 1) There is no change in the type or method of control.

(3 2) There is no increase in the required capacity, rating or BTU input of the system or equipment.

~~(b) No person shall engage in the business of cleaning commercial or industrial air conditioning systems and/or ventilation systems without first having secured a permit to do so.~~

(e b) No person shall make or cause to be made any change in the work regulated by this chapter for which a permit has been granted, or to the plans submitted for such a permit without first having obtained the approval of the director of inspections.

Section 2. That Section 105.70 of the above-entitled ordinance be amended to read as follows:

105.70. Permits only to licensed installers. (a) No permit for the construction, installation, alteration or repair of any heating, ventilating, air conditioning or refrigeration plant or equipment shall be issued by the director of inspections to any person who is not duly licensed by the city council, as required by this Code. However, permits may be issued by the director of inspections for the construction, installation, alteration or repair of boilers, other than cast iron sectional boilers, to any unlicensed contractor who has in possession an R stamp or ASME code stamp as provided for by the American National Standard ANSI/NB23, National Board Inspection Code 1983 as proof of special training for such type of work; provided, further, that permits may be issued by the director of inspections to unlicensed persons for the construction, installation, alteration or repair of ventilation systems (for single or multiple dwellings only) of a type commonly used for domestic kitchen or bathroom exhaust when each system is individually vented.

(b) Notwithstanding any other provision of this Code of Ordinances to the contrary and where permitted by state law and with exception of safety devices and combustion equipment, permits may be issued to make repairs, additions, replacements and alterations of any steam or hot water boiler, warm air furnace, air conditioning, ventilating or refrigeration equipment of any attached or detached single-family dwelling structure used exclusively for living purposes or any accessory buildings thereto, provided there is no change in the required capacity of the systems involved and that all such work in connection therewith shall be performed only by the person who is the bona fide owner and occupant of such dwelling as such person's residence or a member of said owner-occupant's immediate family. As herein defined, "immediate family" includes only a parent, children by birth or adoption and said children's spouse under the authorization of a permit obtained by the owner-occupant of said dwelling pursuant to section 89.30 of this Code.

Adopted 4/4/03.

Ordinance 2003-Or-044 amending Title 5, Chapter 113 of the Minneapolis Code of Ordinances relating to *Building Code: Retaining Walls*, amending Section 113.10 to change the height requirement from three feet to four feet for consistency with the State Building Code, was passed 4/4/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-044

By Niziolek

Intro & 1st Reading: 3/21/03

Ref to: PS&RS

2nd Reading: 4/4/03

Amending Title 5, Chapter 113 of the Minneapolis Code of Ordinances relating to Building Code: Retaining Walls.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 113.10 of the above-entitled ordinance be amended to read as follows:

113.10. Permit required. No person shall erect or construct a retaining wall which is not a part of a building and which is ~~three (3)~~ four (4) feet or more in height, without first obtaining a permit to do so from the department of inspections. No permit shall be required for any such retaining wall less than ~~three (3)~~ four (4) feet in height. An applicant for the issuance of a permit may be required to furnish a plan or drawing showing the construction of the wall and containing such data as reasonably deemed necessary by the director of inspections.

Adopted 4/4/03.

Ordinance 2003-Or-045 amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Building Trades Licenses*, amending Section 277.2500 to adjust the amount of the surety bond to \$8,000 for consistency with State Statutes, was passed 4/4/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-045
By Niziolek
Intro & 1st Reading: 3/21/03
Ref to: PS&RS
2nd Reading: 4/4/03

Amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Building Trades Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 277.2500 of the above-entitled ordinance be amended to read as follows:

277.2500. Insurance, bond. Each applicant for a license under this article shall file with the director of licenses and consumer services a public liability insurance policy or certificate of insurance issued by a company authorized to do business in Minnesota, insuring the applicant against any and all liability arising out of the performance of any sign or billboard work regulated by chapter 109 of this Code. The policy of insurance shall be in limits of not less than twenty-five thousand dollars (\$25,000.00) for injury or loss to one person, fifty thousand dollars (\$50,000.00) for each occurrence and ten thousand dollars (\$10,000.00) property damage. The policy or certificate shall contain an endorsement as provided by section 259.160 of this Code. Said policy shall provide that it may not be cancelled by the insurer except after ten (10) days written notice to the director of licenses and consumer services. Failure to keep in full force and effect insurance required herein is grounds for revocation of the license. The applicant shall furnish a surety bond to the city in the sum of ~~ten~~ eight thousand dollars (~~\$10,000.00~~ 8,000.00) running to the city for the benefit of and to protect any person for whom such work shall be done from loss or damage arising out of the licensee's failure to comply with any specifications pertaining to such work, the use of inferior materials, incompetent work, failure to pay for labor and materials, and to guarantee the full and proper performance of all contracts entered into for the performance of such work by the licensee. Said surety bond shall first be approved as to form and execution by the city attorney before a license may be issued.

Adopted 4/4/03.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that report passed February 14, 2003 accepting a grant award from the Minnesota Department of Public Safety for the development of the Community Emergency Response Team (CERT), Neighborhood Watch and CERT Teams and other

Community Citizen Corps Programs be amended to change the dollar amount from "\$63,575" to "\$51,575".

Further, that Resolution 2003R-041 be amended to reflect the above dollar amount change and to change the Fund designation from "Grants - Other" (060) to "Grants - Federal" (030).

Adopted 4/4/03.

Resolution 2003R-118, amending Resolution 2003R-041 entitled "Amending the 2003 General Appropriation Resolution", passed 2/14/03, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-118

By Niziolek and Johnson

Amending Resolution 2003R-041 entitled "Amending the 2003 General Appropriation Resolution", passed February 14, 2003.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended to change the dollar amount of "\$63,575" to "\$51,575" and to change the Fund designation from "Grants - Other" (060) to "Grants - Federal" (030).

Adopted 4/4/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept the following donations to the Minneapolis Fire Department for the purchase of CairnsIRIS Thermal Imaging Cameras:

- a. Ike's Food & Cocktails, in the amount of \$2,665;
- b. Eparchy of Lady of Lebanon of Los Angeles St. Maron Catholic Church, in the amount of \$200;
- c. Lurie Besikof of Lapidus & Company, LLP Charitable Foundation, in the amount of \$422.

Further, passage of the accompanying Resolution appropriating \$3,277 to the Fire Department.

Adopted 4/4/03.

Resolution 2003R-119, amending The 2003 General Appropriation Resolution, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-119

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$3,277 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$3,277.

Adopted 4/4/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept, on behalf of the Fire Department, four Thermal Imaging Cameras and associated training from the proceeds of the KS95 Firefighter Calendar promotion.

Further, that report passed October 11, 2002 authorizing the acceptance of up to \$70,000 in donations from the proceeds of the 2003 KS95 Firefighters Calendar Project and Appropriation Resolution 2002R-352 be rescinded.

Adopted 4/4/03.

Resolution 2003R-120, rescinding Resolution 2002R-352 entitled "Amending The 2002 General Appropriation Resolution", passed 10/11/02, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-120
By Niziolek and Johnson

Rescinding Resolution 2002R-352 entitled "Amending The 2002 General Appropriation Resolution", passed October 11, 2002.

Resolved by The City Council of The City of Minneapolis:
That Resolution 2002R-352 be and is hereby rescinded.
Adopted 4/4/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept \$112,500 in federal Weed & Seed grant funds from Pillsbury United Communities to provide funds for police overtime or other police services as deemed necessary to fulfill the Law Enforcement and Community Policing goals of the Richard Green Central Weed and Seed 2003 Work Plan. Further, passage of the accompanying Resolution appropriating \$112,500 to the Police Department.

Adopted 4/4/03.

Resolution 2003R-121, amending The 2003 General Appropriation Resolution, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-121
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$112,500 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$112,500.
Adopted 4/4/03.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee now recommends that the proper City officers be authorized to submit a letter to the Metro Transit dated 3/17/03 regarding the Sector 5 Concept Plan. (Petr No. 268683)

Zerby moved that the Petition be amended relating to "Route #8 and Route #19" as shown in Petn No 268682.1. Seconded.

Adopted upon a voice vote.

Niziolek moved that the Petition No 268683 be amended by adding to the last sentence under University of Minnesota Route, #52C, 1. the language, "Should only be re-routed if the 35th and 36th Street ramps are moved to 38th Street". Niziolek further moved that the Petition No 268683 be amended

by striking the last sentence under Route 18G, by adding there to the following language: " Given the community at Horn Terrace, the City strongly supports continued bus service to Horn Terrace".
Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/4/03.

T&PW - Your Committee, having under consideration the parking restrictions near Southwest High School, now recommends the following:

a) Conducting a test as soon as possible for new parking arrangements around the school for the remainder of this school year; and

b) Direct staff to make temporary signing changes required evaluating the parking test around the school as outlined in Petn No 268683 on file in the Office of the City Clerk.

Adopted 4/4/03.

T&PW - Your Committee recommends passage and summary publication of the accompanying Resolution designating the location and streets to be improved in the 38th Street Reconstruction Project.

Adopted 4/4/03.

Resolution 2003R-122, designating the locations and improvements proposed as a part of the 38th Street East Reconstruction Project, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-122

By Colvin Roy

**Thirty-eighth Street East Reconstruction Project,
Special Improvement of Existing Street Number 6698**

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provision of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

38th St E (6698)

38th Street East from 23rd Avenue South to 30th Avenue South.

Adopted 4/4/03.

T&PW - Your Committee, having received a cost estimate of \$2,711,000 for street reconstruction improvements and a list of benefited properties for the 38th Street East Reconstruction Project, Special Improvement of Existing Street Number 6698, as designated by Resolution 2003R-122, passed 4/4/03, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2003 Uniform Assessment Rates as per Resolution 2002R-422 passed 11/8/02.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on 5/6/03, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated project and to consider the amount of proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/4/03.

T&PW - Your Committee, having under consideration the Richfield Road reconstruction from W 36th St to Sheridan Ave S, now recommends the following:

- a) Approval of the preliminary layout #1;
- b) Passage and summary publication of a Resolution for the acceptance of Park Board consent to build a public street on park board property; and

c) Authorize staff to negotiate with private property owners to acquire easements if necessary.

Adopted 4/4/03. Yeas, 12; Nays, 1 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Niziolek.

RESOLUTION 2003R-123

By Colvin Roy

Accepting consent to construct a Roadway on Park Board Property from the Park and Recreation Board for the construction of Richfield Road, between 36th and 39th Streets West.

Whereas, the City and the Park Board wish to make improvements to Richfield Road, and;

Whereas, neither the City nor the Park Board are able to positively identify the establishment of a public right of way for Richfield Road as it travels over Park Board property, and;

Whereas, in order to establish the public right of way to be constructed the City has obtained a Registered Land Survey for the right of way to be constructed and the Park Board has approved the layout of the road to be constructed;

Now, Therefore, Be It Resolved by the City Council of The City of Minneapolis:

That in the determination and judgment of the City Council, it is found necessary and expedient on account of public necessity and for public purposes to acquire the Consent to Construct a Roadway from the Park and Recreation Board over of the following properties situated in The City of Minneapolis, Hennepin County, to-wit.

Adopted 4/4/03. Yeas, 12; Nays, 1 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Niziolek.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, to whom was referred back on 3/21/03 a report regarding the Equipment Division appropriation increase for fire vehicles, now recommends passage and summary publication of the accompanying resolutions:

a) Increasing the Equipment Division appropriation by \$3,430,000 for the purpose of purchasing additional fire apparatus;

b) Requesting the Board of Estimate and Taxation to issue and sell bonds, in the amount of \$3,430,000; and

c) Pursuant to IRS Treasury Regulations Section 1.150-2, declaring the City of Minneapolis's official intent to reimburse the expenditures related to the purchase of the fire apparatus from the proceeds of tax exempt debt of the City.

Adopted 4/4/03.

Resolutions 2003R-124, 2003R-125, and 2003R-126, increasing the appropriation for the fire vehicles in the amount of \$3,430,000, requesting the Board of Estimation and Taxation to issue and sell City of Minneapolis bonds in the amount of \$3,430,000 for the fire vehicles and declaring the City's official intent to reimburse expenditures related to the purchase of the fire apparatus by incurring tax exempt debt, pursuant to IRS Treasury Regulations were passed 4/4/03 by the City Council. Complete copies of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2003R-124
By Colvin Roy and Johnson

Amending the 2003 Capital Improvement Appropriation Resolution.

Resolved by the City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the fire vehicles in the Public Works - Equipment Division Fund (6100-675-6765) by \$3,430,000 for the purchasing additional fire apparatus.

Adopted 4/4/03.

RESOLUTION 2003R-125
By Colvin Roy and Johnson

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell bonds, in the amount of \$3,430,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell bonds in the amount of \$3,430,000, the proceeds of which are to be used for purchasing additional fire apparatus.

Adopted 4/4/03.

RESOLUTION 2003R-126
By Colvin Roy and Johnson

Declaring the City's official intent to reimburse the expenditures related to the purchase of the fire apparatus from the proceeds of tax exempt debt of the City.

Resolved by the City Council of the City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, that the City of Minneapolis hereby declares its official intent to reimburse the expenditures related to the purchase of the fire apparatus from the proceeds of tax exempt debt of the City.

Adopted 4/4/03.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 268684):

a) OP #6031, low bids for furnishing and delivering all labor, tools, equipment, permits and related items necessary to complete construction of sidewalks, driveways, alleys, curb and gutters as follows:

- Gunderson Brothers Cement Contractors Company, Inc. in the amount of \$823,148; and
- Standard Sidewalk, Inc. in the amount of \$2,029,334.

b) OP #5515, increasing Contract No. C-16153 with Electronic Design Company in the amount of \$350,000 for parking ramp security;

c) OP #6040, low bid of Thomas and Sons Construction, Inc. in the amount of \$1,983,375.47 for Hennepin streetscape construction between 5th and 10th Street;

d) OP #6027, low bid of Midwest H2O LLC in the amount of \$220,681 for filter media replacement; and

e) OP #6014, low bid of Fenc-Co, Inc. for an estimated expenditure of \$106,500 for temporary chain link fencing.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications, contingent on approval of the Civil Rights Departments.

Adopted 4/4/03.

Approved by Mayor Rybak 4/4/03.

(Published 4/8/03)

T&PW & W&M/Budget - Your Committee, having under consideration the City's contract for earth work and site improvements for the new 34 million gallon Hilltop Reservoir, now recommends that the proper City officers be authorized to amend Contract #14440 with STS Consultants, LTD in the amount of \$68,000 for a new total not to exceed \$593,280.

Adopted 4/4/03.

T&PW & W&M/Budget - Your Committee, having under consideration the West Side Improvements Project to provide a streetscape connection from the Convention Center to Nicollet Ave, now recommends passage of the accompanying resolutions transferring funds for the project construction payments.

Adopted 4/4/03.

RESOLUTION 2003R-127
By Colvin Roy and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by decreasing the appropriation for the Minneapolis Convention Center Agency in the Convention Center Fund (0760-MCC-MCCH) by \$60,000, for transfer to the Convention Center Expansion Project to be used for the West Side Improvements Project.

Adopted 4/4/03.

RESOLUTION 2003R-128
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751) by \$60,000, for the West Side Improvements Project.

Adopted 4/4/03.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends that the accompanying ordinance amending Title 2, Chapter 20, Article VI of the Minneapolis Code of Ordinances relating to Administration: Personnel, Severance Pay and Accrued Sick Leave Benefit, by deleting the sick leave benefit plan and replacing it with a health care saving account plan, eliminating certain health and dental benefits and adding a retirement incentive program, be given its second reading for passage.

Johnson moved to amend the ordinance as follows:

a) By adding the following language to the end of Section 20.440(b)(3) and Section 20.440(b)(4):

"The remaining 50% of the accrued vacation hours shall be converted into cash at a daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and shall be paid to the employee within thirty (30) days of retirement." ;

b) By amending Section 20.460(a) by deleting the language, "the effective date of this ordinance," and inserting in lieu thereof the language, "April 18, 2003";

c) By amending Section 20.460(c) by deleting the language, "and receive retirement benefits this calendar year," and inserting in lieu thereof the language, "an unreduced pension." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/4/03.

Ordinance 2003-Or-046, amending Title 2, Chapter 20, Article VI of the Minneapolis Code of Ordinances relating to *Administration: Personnel, Severance Pay and Accrued Sick Leave Benefit*, by deleting the sick leave benefit plan and replacing it with a health care savings account plan, eliminating certain health and dental benefits and adding a retirement incentive program, was passed 4/4/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-046

By Johnson

Intro & 1st Reading: 2/28/03

Ref to: W&M/Budget

2nd Reading: 4/4/03

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel: Article VI, Severance Pay and Accrued Sick Leave Benefit.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the title of Article VI, Chapter 20 of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE VI. SEVERANCE PAY, AND ACCRUED SICK LEAVE BENEFIT* RETIREMENT INCENTIVE AND HEALTH CARE SAVINGS PLAN

Section 2. That Section 20.240 of the above-entitled ordinance be amended by deleting and adding definitions in alphabetical sequence to read as follows:

20.420. Definitions. Accrued sick leave: Sick leave credit earned and not used pursuant to civil service commission rules, or earned pursuant to a collective bargaining agreement a collective bargaining agreement, a compensation plan for appointed personnel, or a compensation plan for non-represented personnel.

Accrued vacation leave: Vacation leave credit earned and not used pursuant to civil service commission rules, a collective bargaining agreement, a compensation plan for appointed personnel, or a compensation plan for non-represented personnel.

Annual salary adjustment: The across the board salary adjustment granted by council excluding any step, longevity or other adjustment.

Eligible employee: Eligible employees are all regularly appointed and non-represented employees of the city and all regularly appointed and non-represented employees of the city's independent boards and commissions which have adopted this plan by resolution and whose employees receive paychecks processed by the city and who meet the contribution requirements of section 20.440.

Health care savings plan: The Minnesota Post Retirement Health Care Savings Plan established under Minnesota Statutes, Section 352.98 and outlined in the Minnesota State Retirement System's Trust and Plan documents.

Retirement: For the purposes of this health care savings plan ordinance, retirement shall mean employees leaving the employ of the city under one of the following situations:

(1) The employees have no less than twenty (20) years of service as computed for retirement purposes, or

(2) The employees have reached sixty (60) years of age, or

(3) The employees are required to retire earlier because of either disability, or

(4) The employees have reached mandatory retirement age.

Section 3. That Section 20.430 of the above-entitled ordinance be amended to read as follows:

20.430. Establishment of an accrued sick leave benefit a health care savings plan.

Employees who retire from a city position and who meet the requirements set out in section 20.440, shall be paid accrued sick leave in accordance with this plan. There is hereby established a health care savings plan through which employees can build a tax free savings account for payment of post employment eligible health care expenses.

Section 4. That Section 20.440 of the above-entitled ordinance be and is hereby repealed.

20.440. To whom payable. (a) Payment of accrued sick leave benefits shall be made only to employees who at the time of retirement have accrued sick leave credit of no less than sixty (60) days, and meet one (1) of the following requirements:

- (1) have no less than twenty (20) years of service as computed for retirement purposes, or
- (2) have reached sixty (60) years of age, or
- (3) are required to retire earlier because of either disability, or
- (4) have reached mandatory retirement age, or
- (5) die prior to retirement.

(b) When an employee having no less than sixty (60) days accrued sick leave dies prior to retirement, the accrued sick leave benefits shall be paid to the beneficiary or beneficiaries designated on his or her Minneapolis Group Life Insurance Policy; or if no beneficiary is designated, to the employee's estate.

Section 5. That Chapter 20 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 20.440 to read as follows:

20.440. Contributions. (a) Accrued sick leave upon retirement. Employees who retire from employment with no less than four hundred eighty (480) hours or no less than sixty (60) days of accrued sick leave will have fifty (50) percent of the accrued sick leave hours converted into cash at a daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement.

(b) Accrued vacation leave.

- (1) Appointed employees participating in the Minneapolis Employees Retirement Fund who retire or terminate employment with accrued vacation leave will have one hundred (100) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement or termination.
- (2) Appointed employees participating in the Minneapolis Police Relief Association and the Minneapolis Fire Relief Association who retire or terminate employment with accrued vacation leave will have one hundred (100) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement or termination.
- (3) Non-represented employees participating in the Minneapolis Employees Retirement Fund who retire or terminate employment with accrued vacation leave will have fifty (50) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement or termination. The remaining 50% of the accrued vacation hours shall be converted into cash at a daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and shall be paid to the employee within thirty (30) days of retirement.

- (4) Appointed employees participating in the Public Employees Retirement Association who retire or terminate employment with accrued vacation leave will have fifty (50) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement or termination. The remaining 50% of the accrued vacation hours shall be converted into cash at a daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and shall be paid to the employee within thirty (30) days of retirement.
- (5) Non-represented employees participating in the Public Employees Retirement Association who retire, or terminate employment with accrued vacation leave will have fifty (50) percent of the accrued vacation hours or days converted into cash at an hourly or daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and deposited into their health care savings account. The conversion and deposit shall occur within thirty (30) days of the date of the retirement. The remaining fifty (50) percent of the accrued vacation hours shall be converted into cash at a daily rate of pay for the position held by the employee on the day of retirement or termination, notwithstanding subsequent retroactive pay increases and shall be paid to the employee within thirty (30) days of retirement.
- (c) Percentage of the annual salary adjustment.
- (1) Appointed employees who are members of the Minneapolis Employees Retirement Fund shall contribute sixty-six and two thirds (66 2/3) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.
- (2) Appointed employees who are members of the Minneapolis Police Relief Association and the Minneapolis Fire Relief Association shall contribute sixty-six and two thirds (66 2/3) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.
- (3) Non-represented employees who are members of the Minneapolis Employees Retirement Fund shall contribute thirty-three and one third (33 1/3) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.
- (4) Appointed employees who are members of the Public Employees Retirement Association shall contribute thirty-three and one third (33 1/3) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.
- (5) Non-represented employees who are members of the Public Employees Retirement Association shall contribute thirty-three and one third (33 1/3) percent of their annual salary adjustment. The contributions will be made to the employee's health care savings account each pay period.

Section 6. That Section 20.450 of the above-entitled ordinance be and is hereby repealed.

20.450. Amount and manner of payment. (a) The accrued sick leave benefit for each employee eligible pursuant to 20.440 shall be one-half (1/2) of the daily rate of pay for the position held by the employee on the day of retirement, notwithstanding subsequent retroactive pay increases, for each day of accrued sick leave unless the amount or manner of payment is different in the applicable collective bargaining agreement.

(b) Such accrued sick leave benefit shall be distributed to each employee eligible under 20.440 and who retires after June 1, 2001, in a lump sum with all applicable federal and state taxes withdrawn not more than thirty (30) days after the date of the employee's retirement.

(c) The remaining unpaid accrued sick leave benefit of each individual who retired prior to June 1, 2001 shall be paid in a lump sum not more than thirty (30) days after the effective date of this ordinance. All applicable federal and state taxes shall be withdrawn on the balance of the remaining unpaid accrued sick leave benefit.

Section 7. That Section 20.455 of the above-entitled ordinance be amended to read as follows:

20.455. Severance pay for appointed employees. (a) Beginning January 1, 1999, all full-time appointed employees who are not represented through a collective bargaining agreement with the city, including the Executive Director of the Minneapolis Community Development Agency, but excluding those appointees in the council's and mayor's offices, shall enter into an employment contract with the city. The employment contract shall set forth all the terms and conditions of employment, including, except for those employees who are appointed for a term, the condition of employment that the employee is "at will" and may be removed from the appointed position by the appointing authority with or without cause. The employment contract shall provide that if the employee is removed from the employee's position, other than for malfeasance, misfeasance or nonfeasance in office, the employee shall receive a lump sum payment equal to fifty (50) percent of the employee's annual salary. The payment of this severance pay is pursuant to Minnesota Statutes Section 465.72 and 465.722 and is conditioned upon the employee agreeing to release the city from any and all causes of action or claims the employee may have against the city and complying with all applicable notice, waiver and rescission provisions in federal and state law and is in addition to the payment of any eligible accrued sick leave benefit authorized by ~~section 20.450~~ any contribution to the health care savings plan authorized by section 20.440. Severance payments under this section shall be paid within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods. Employees who elect to not execute a general release of causes of action or claims have no right to any severance payment under this section. In no event shall any severance payment exceed the amount allowed under Minnesota law.

(b) Those appointed employees that execute the release described in paragraph (a) and subsequently return to or accept another city position shall receive as severance pay an amount equal to the difference between the annual salary in the position from which the employee was terminated and the annual salary for the position into which the employee is reemployed up to the maximum allowed in paragraph (a).

Section 8. That section 20.460 of the above-entitled ordinance be and is hereby repealed.

20.460. Severance pay for at-will employees. (a) ~~In addition to the sick leave payments authorized by this article, and pursuant to the authority and limitations contained in Minnesota Statutes, Sections 465.72 through 465.722, all full time, permanent appointed employees who are not represented through collective bargaining contracts with the city and the deputy director of the Minneapolis Community Development Agency, excluding political appointees in the council and mayor's offices, who are terminated shall receive the following as severance payments:~~

- ~~(1) An amount equal to twelve (12) weeks of the employee's annual pay; and~~
- ~~(2) Notwithstanding any ordinance or policy to the contrary, fifty (50) percent of accumulated sick leave.~~

~~(b) Payment under this plan shall be subject to the following:~~

- ~~(1) No payment under (a)(1) above shall be made to employees collecting unemployment compensation.~~
- ~~(2) If the employee is reemployed in a civil service position with the city at a lesser rate of pay during the twelve-week period, the employee shall receive an amount equal to the difference between the annual salary received in the position from which the employee was terminated and the annual salary for the position into which the employee is reemployed.~~
- ~~(3) If the employee is employed in a position outside of city employment during the periods in which severance payments under (a)(1) are made, and the annual salary of the position is equal to, or greater than, the annual salary for the position from which the employee was terminated, severance payments shall not be made or shall cease. If the employee is employed in a position outside of city employment during the periods in which severance payments are made, and the annual salary of the position is less than the annual salary from which the employee was terminated, the employee shall receive an amount equal to the difference between the annual salary received in the position from which the employee was terminated and the annual salary for the position into which the employee is reemployed.~~
- ~~(4) Severance payments under (a)(1) herein shall not be made if the employee is removed from employment for just cause, or leaves city employment voluntarily, or retires.~~

(5) All severance payments under (a)(1) of this plan shall be paid in equal installments at the same times as normal city payroll payments are made. As a condition to receipt of such payments, the employee shall inform the city payroll department of any change in employment status causing reconsideration of the eligibility of the employee to continue payments under this plan.

(e) Upon request of the employee, the city shall pay an amount not to exceed three thousand five hundred dollars (\$3,500) for outplacement services to assist in the securing of new employment.

(d) This plan shall be effective on September 1, 1994, but shall not apply to charter department heads appointed prior to the effective date. This plan expires for all full-time appointed employees December 31, 1998, except for those appointed employees who are terminated prior to that date.

Section 9. That Chapter 20 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 20.460 to read as follows:

20.460 Retirement incentive plans. (a) Plan through May 11, 2003. Any eligible employee who has submitted a signed and completed election to retire form or a signed and completed election to resign form during the prescribed election period and who separates from service after April 18, 2003 and prior to May 12, 2003, shall receive a lump-sum cash payment, with all applicable federal and state taxes withdrawn, of the greater of:

(1) Twenty thousand dollars (\$20,000.00); or

(2) A lump sum equal to the amount of sick leave payable to the employee or contributable to the employee's health care saving account pursuant to a collective bargaining agreement; or

(3) A lump sum equal to the amount of sick leave contributable to the employee's health care saving account under section 20.440(a).

(b) May 12, 2003 through May 30, 2003 plan. Any eligible employee who has submitted a signed and completed election to retire form or a signed and completed election to resign form during the prescribed election period and who separates from service between May 12, 2003, and May 30, 2003, shall have deposited into the employee's health care savings account, the greater of:

(1) Twenty thousand dollars (\$20,000.00); or

(2) A lump sum equal to the amount of sick leave payable to the employee or contributable to the employee's health care saving account pursuant to a collective bargaining agreement; or

(3) A lump sum equal to the amount of sick leave contributable to the employee's health care saving account under section 20.440(a).

(c) Eligible employee. For the purposes of this section, an eligible employee means an employee of the city under city council jurisdiction but excluding employees who are members of the Police Officers' Federation of Minneapolis and the International Association of Firefighters, Local No. 82, who resigns with no less than twenty (20) years of qualified service as computed for retirement purposes or who is eligible to retire an unreduced pension.

(d) Incentive period. To participate in these incentive plans, the employee must file a written signed election to resign form or a written and signed election to retire form to the human resources department to the attention of the employee relations director, during the prescribed election period of April 14, 2003, through April 18, 2003, inclusive.

(e) Rescission period. An employee may rescind the election to resign or election to retire pursuant to state law, civil service rules or collective bargaining agreement.

(f) Payment. Payment under section 20.460(a) shall be made within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods.

(g) Pension benefit impact. To the extent permitted by law, the contribution shall have no financial impact on the eligible employee's current or future pension benefits.

(h) Employees who separate employment under the terms of this section, shall be ineligible for future employment with a city department under council jurisdiction.

Section 10. That Section 20.470 of the above-entitled ordinance be and is hereby repealed.

20.470. Health/dental insurance continuation for laid off employees. Any benefits eligible employee of the city under council jurisdiction and participating in job bank who is laid off from the city

during the period January, 1996, to January, 2004, inclusive, shall have their health/dental insurance continue as follows:

(1) The level of coverage, single or family, shall continue at the level of coverage in effect for the laid off employee as of the date of layoff.

(2) The health/dental plan that shall be continued shall be the plan in effect for the employee as of the date of layoff.

(3) The city shall pay one hundred (100) percent of the premiums for the first six (6) months of COBRA continuance at the level of coverage and plan selected by the employee and in effect on the date of the layoff.

(4) This section for laid off employees shall be in force until January 2004.

(5) The return to work section shall be enforced until January, 2004 at which time it will be evaluated for continuation

Section 11. That Section 20.475 of the above-entitled ordinance be and is hereby repealed.

20.475. Health/dental insurance continuation for certain retired employees.—(a) Any employee of the city under council jurisdiction except for sworn members of the fire and police departments who is eligible to retire without penalty and does retire during the month of January, 1996, shall be eligible for the continuation of health/dental insurance until December 31, 2000.

(b) The level of coverage, single or family, shall continue at the level selected by the employee during open enrollment for 1996.

(c) The health/dental plan shall continue as the plan selected by the employee during open enrollment for 1996.

(d) The employee when retired shall be allowed to change the level of coverage and plan selected during the open enrollment period in the same manner and at the same time as the then active employees of the city make their open enrollment selections.

(e) In the event that the retiree's selection plan is no longer offered by the city, the retiree shall have the option to choose a replacement plan from those plans offered by the city.

(f) The city shall pay one hundred (100) percent of the premiums for the level of coverage and plan selected by the employee/retiree until December 31, 2000. In the event that the retiree chooses a more expensive level of coverage or plan, the retiree shall pay the additional cost of the premium.

(g) This section shall become null and void on January 1, 2001.

Section 12. That Section 20.476 of the above-entitled ordinance be and is hereby repealed.

20.476. Payment for unused vacation leave. All employees retiring in January, 1996, and continuing health/dental insurance coverage pursuant to section 20.475 of this chapter must have used all vacation leave or be paid in a lump sum in January 1996.

Adopted 4/4/03.

W&M/Budget - Your Committee recommends that the City Attorney be directed to postpone renegotiation of the lease for office space at 333 S 7th St, with possible reconsideration of the lease after 2004 budget plans and department business plans are in place.

Your Committee further recommends passage of the accompanying resolution appropriating \$86,000 to the City Attorney's budget to reflect that a savings will not be achieved by renegotiation of the lease as planned for in the 2003 budget, funded from the General Fund contingency.

Adopted 4/4/03. Yeas, 12; Nays, 1 as follows:

Yeas - Benson, Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Lane.

Resolution 2003R-129, appropriating \$86,000 to the City Attorney's budget to reflect that a savings will not be achieved by renegotiation of their office lease, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-129

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) Increasing the appropriation for the City Attorney Agency in the General Fund (0100-140-1410) by \$86,000; and

b) Decreasing the appropriation for the General Fund Contingency Agency in the General Fund (0100-175-1750) by \$86,000.

Adopted 4/4/03. Yeas, 12; Nays, 1 as follows:

Yeas - Benson, Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Lane.

W&M/Budget - Your Committee recommends acceptance of \$250,000 donated to the Convention Events Fund to be paid to the Greater Minneapolis Convention & Visitors Association (GMCVA) for expenses related to The Art Wall project.

Your Committee further recommends passage of the accompanying resolution appropriating the donated funds to the GMCVA.

Adopted 4/4/03. Yeas, 10; Nays, 3 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Ostrow.

Nays - Zimmermann, Johnson Lee, Niziolek.

Resolution 2003R-130, appropriating donated funds to the Greater Minneapolis Convention & Visitors Association for The Art Wall project, was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-130

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Convention and Visitors Association Agency in the Convention Center Related Fund (0760-864-8642) by \$250,000 and increasing the revenue source (0760-864-8642 - Source 3720) by \$250,000.

Adopted 4/4/03. Yeas, 10; Nays, 3 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Ostrow.

Nays - Zimmermann, Johnson Lee, Niziolek.

W&M/Budget - Your Committee recommends authorization to place an insert in the City's April 2003 utility bills providing information on City Cable Channel 14 and Channel 79.

Adopted 4/4/03.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving appointments to the Capital Long-Range Improvements Committee (CLIC) for 2003 through 2005.

Adopted 4/4/03.

Resolution 2003R-131, confirming selection of the City Council appointments to the Capital Long-Range Improvements Committee (CLIC), was passed 4/4/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-131

By Johnson

Confirming selection of the City Council appointments to the Capital Long-Range Improvements Committee (CLIC).

Whereas, the following individuals have been recommended by City Council members to represent their respective wards on CLIC;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following individuals are hereby appointed to serve on CLIC for two year terms commencing on February 1, 2003 and expiring on January 31, 2005:

Ward 1 - Douglas Davis, Ginger DeRosier

Ward 2 - Brian Biele, Ann Jaede

Ward 3 - Greg Baumgartner, Anthony Hofstede

Ward 4 - Jeffrey Strand, Roberta Englund

Ward 5 - Mitchell Davis, Michael Paul Webber

Ward 6 - Mary Watson, William Kingsbury

Ward 7 - Bengt Sohlen, Richard K. Anderson

Ward 8 - Kristin Batson, Chris Heineman

Ward 9 - Alex Ellison

Ward 10 - Gary Thaden, Dean E. Carlson

Ward 11 - Mary Ubl, Ken Martin

Ward 12 - Jan Pearson, Pat Tatarek

Ward 13 - Robert Gustafson, Charles Follen

Adopted 4/4/03.

W&M/Budget - Your Committee recommends that the Cultural Affairs Division be authorized to accept \$2,250 from the National Arts Program to be used for cash prizes for the 2003 City/County employee and family art exhibition program.

Adopted 4/4/03.

W&M/Budget - Your Committee recommends authorization to execute Amendment No. 2 to Contract #015132 with the Metropolitan Sports Facilities Commission, providing for rental of space for event parking as needed, by extending the contract through December 31, 2003 (with an option to renew for two additional one-year periods), at the current rate and for a total annual cost not to exceed \$5,000.

Adopted 4/4/03.

W&M/Budget - Your Committee recommends that the following Information and Technology Services (ITS) Master Contracts be increased to provide for additional services:

C-16397, Hollstadt & Associates, Inc. to a new limit of \$5,000,000;

C-16867, Third Wave Partnership, LLC to a new limit of \$1,500,000.

Your Committee further recommends that the following ITS Master Contracts be amended by increasing authorized limits of the contract scope:

C-1686701, Third Wave Partnership, LLC, scope for Marvin Bachmeier to a new limit of \$500,000;

C-1686702, Third Wave Partnership, LLC, scope for Chuck Pilon to a new limit of \$500,000.

Adopted 4/4/03.

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following report:

W&M/Budget & Z&P - Your Committee recommends that the City accept a grant of \$66,000 from the State Office of Environmental Assistance to be used to develop, adopt and implement the Minneapolis Sustainability Plan.

Your Committee further recommends passage of the accompanying resolutions: a) appropriating the grant funds; and b) initiating development of said Plan, integrating the Plan into the *Minneapolis Plan*, and authorizing use of the Plan to guide City investment decisions.

Adopted 4/4/03.

Resolution 2003R-132 and 2003R-133, appropriating State grant funds and initiating development of the Minneapolis Sustainability Plan, integrating the Plan into the *Minneapolis Plan*, and authorizing use of the Plan to guide City investment decisions, was passed 4/4/03 by the City Council. A complete copy of these resolutions is available for public inspection in the office of the City Clerk.

The following is the complete copy of the unpublished summarized resolutions.

RESOLUTION 2003R-132
By Johnson and Schiff

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Licenses and Consumer Services Agency in the Grants - Other Fund (0600-835-8396) by \$66,000 and increasing the revenue source (0600-835-8396 - Source 3215) by \$66,000.

Adopted 4/4/03.

RESOLUTION 2003R-133
By Johnson and Schiff

Initiating the development of the "Minneapolis Sustainability Plan," integration of the Plan into the *Minneapolis Plan*, and use of the Plan to guide City investment decisions.

Whereas, the environment has long been a priority for Minneapolis residents; and

Whereas, the City's chief organizations since 1994 that are on the forefront of our environmental efforts include the Environmental Coordinating Team (ECT) and its citizen counterpart, the Citizens Environmental Advisory Committee (CEAC); and

Whereas, Minneapolis has been a key participant in the statewide dialogue over sustainability since the 1990's; and has been implementing "Smart Growth" land use and transportation policies for many years through its Zoning Code and its Comprehensive Plan, the *Minneapolis Plan*; and

Whereas, Minneapolis has protected the City's invaluable water resources through a variety of initiatives including the Clean Water Partnership, its Stormwater Management Ordinance, capital investments related to stormwater management and safe drinking water, and its commitment to the City's watershed management organizations; and

Whereas, Minneapolis has been a consistent advocate for the Metro Emissions Reduction Project; for the conversion of coal plants to cleaner fuels; and for the exploration of opportunities for "green" power, distributed generation, and expansions to district energy and cogeneration; and

Whereas, Minneapolis has worked hard to maximize energy efficiency in over 120 public buildings, and to promote the same for private buildings through our policies, plans, and ordinances; and

Whereas, Minneapolis has one of the most successful brownfield reclamation programs in the country, which has restored hundreds of acres of polluted land to productive uses; and

Whereas, Minneapolis is committed to maintaining and improving our nationally renowned park and open space system, and to encouraging community greening from urban reforestation projects to community vegetable gardens; and

Whereas, Minneapolis has worked to “green” City fleets, purchasing, buildings, and operations generally; and

Whereas, the Minnesota Office of Environmental Assistance has awarded Minneapolis a \$66,000 grant to develop a sustainability plan for the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Minneapolis intends to build on the City’s already strong base of environmental policy and practice, and to launch a focused campaign to describe and then shape a more sustainable future for the City through the development of the “Minneapolis Sustainability Plan.” This future will include stronger social connections and neighborhoods, greater social wealth and equity, local self-reliance, and more transparent accountability among residents and civic leaders. The “Minneapolis Sustainability Plan” will embrace and enhance ongoing environmental initiatives and help coordinate the City’s planning, policymaking, and budget processes into a more coherent whole. The Plan will help the City integrate the “Three Es,” Environment, Economy, and Equity (including social justice); coordinate efforts; garner buy-in; and increase the effectiveness of our ongoing programs and investments.

Be It Further Resolved that Minneapolis intends – with the help of the CEAC and many other citizen, business, and environmental organizations – to rely upon the involvement of diverse stakeholders and listen to their concerns before we draft the plan.

Be It Further Resolved that Minneapolis will complete the following:

- After developing the “Minneapolis Sustainability Plan,” incorporate it into the text of the *Minneapolis Plan* as appropriate, and add the text of the “Minneapolis Sustainability Plan” as a separate chapter. Minneapolis will likely be the first city in the country to elevate its sustainability plan to the level of a comprehensive plan.

- Develop a program to track key sustainability indicators and disclose them in the “State of the City” report.

- Establish ten-year sustainability targets, integrate them into the “Minneapolis Sustainability Plan,” and measure progress towards these targets.

- Establish sustainability initiatives (i.e. specific projects) designed to accomplish the sustainability targets.

- Amend ordinances such as the Zoning Code and the Minneapolis Code of Ordinances as appropriate to be consistent with the “Minneapolis Sustainability Plan.”

Be It Further Resolved that Minneapolis intends to use the *Minneapolis Plan*, the “Minneapolis Sustainability Plan,” the sustainability indicators, and the ten-year targets to guide all appropriate City decisions including the following:

- Guide the vision for and organization of the new Community Planning and Economic Development Department.

- Inform the City’s annual budget process as shaped by the Strategic Plan.

- Guide the Capital Long-range Improvement Program.

- Inform other applicable plans and policies.

- Inform the City’s annual budget process as shaped by the Strategic Plan.

- Guide the Capital Long-range Improvement Program.

- Inform other applicable plans and policies.

Be It Further Resolved that Minneapolis intends to establish a process to serve in the interim so that City decisions are “filtered” through a sustainability screen. The City will articulate broad City sustainability goals to serve in the interim period, and will charge all decision-makers and City staff with observing these interim sustainability goals.

Be It Further Resolved that the City Council directs the Planning Director and the staff of the Planning Department and all other appropriate City departments to do the following:

- Present to the City Council by the end of April 2003 a program and a description of the resources necessary (both staff and financial) to develop and implement the “Minneapolis Sustainability Plan” as described above. This program shall also include a proposed completion schedule.

- Seek additional non-City resources as needed to develop and implement the "Minneapolis Sustainability Plan."
 - Draft broad City sustainability goals for adoption by the City Council to serve in the interim period until the adoption of the "Minneapolis Sustainability Plan."
- Adopted 4/4/03.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal of Gene Blackledge, for Stevens Square Community Organization, from the decision of the Planning Commission approving applications of David Crockett for the Clinton Avenue Condominium project at 1725 - 3rd Ave S and 1728 Clinton Ave S for a) a variance to reduce the front yard setback along 3rd Ave S from the required 15' to 4'-5" to allow for bay windows that expand the upper three floors of the building to be constructed and to 7' to allow for the remaining portion of the building to be constructed; b) a variance to reduce the corner side yard setback along E 18th St from the required 14' to 0' to allow for bay windows that expand the upper three floors of the building to be constructed and to 1'-6" to allow the remaining portion of the building to be constructed; and c) a variance to reduce the north interior side yard setback from the required 11' to 2'-6" to allow for four stairwells and seven ground-level patios to be constructed and to 7' to allow for the remaining portion of the building to be constructed, now recommends that the appeals be denied and the requesting the variances be granted, with conditions placed on "b" that the developer shall use one color of brick on the 18th St façade and continue the cornice along the roof line on 18th St in place of the bungalow-style brackets that have been shown to date.

Adopted 4/4/03. Yeas, 11; Nays, 2 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Johnson Lee, Niziolek, Ostrow.

Nays - Zimmermann, Lilligren.

Z&P - Your Committee, having under consideration the application of Hamoudi Sabri, for Cedar Lake LLC, for an interim use permit to re-open an automobile convenience facility at 1901 E Lake St, now recommends that the related findings set forth in the staff report be adopted, and that the interim use permit be granted, subject to conditions:

- a) The permit shall expire and operation of the use shall cease on 4/4/05, unless the City Council approves an extension;
- b) The Planning Department shall review and approve the final site and landscaping plans;
- c) The use shall comply with the Specific Development Standards for automobile convenience facilities required by Section 536.20 of the Zoning Code.

Schiff moved to substitute the following report for the above report. Seconded.

Adopted. Yeas, 10; Nays, 3 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee.

Nays - Zimmermann, Niziolek, Ostrow.

Z&P - Your Committee, having under consideration the application of Hamoudi Sabri, for Cedar Lake LLC, for an interim use permit to re-open an automobile convenience facility at 1901 E Lake St, now recommends that the application be denied, and that the associated findings prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 4/4/03. Yeas, 10; Nays, 3 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee,

Nays - Zimmermann, Niziolek, Ostrow.

Z&P - Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of John Warian, dba Press Sure Point, to rezone the property at 600 - 26th Ave NE and 2542 - 7th St NE from I1 and R1A Districts to the R1A District so that split zoning is not created on the new residential lot for a single-family home, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/4/03.

Ordinance 2003-Or-047, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 600 - 26th Ave NE and 2542 - 7th St NE to the R1A District, was passed 4/4/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-047

By Schiff

1st & 2nd Readings: 4/4/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 2, Press Sure Print Addition (600 - 26th Ave NE and 2542 - 7th St NE - Plate 9) to the R1A District.

Adopted 4/4/03.

Z&P - Your Committee recommends concurrence in the recommendation of the Planning Commission approving the Elliot Park Neighborhood Master Plan set forth in Petn No 268693, and that City staff be directed to pursue its implementation and further recommending that the Minneapolis Community Development Agency and Minneapolis Park and Recreation Board direct their staffs accordingly.

Adopted 4/4/03.

Z&P – Your Committee, having under consideration the West Broadway Rezoning Study, for property along W Broadway Ave from City limits on the west to the intersection of W Broadway and Girard Aves on the east, extending 150 feet on each side of the centerline of W Broadway, and including the area bounded by a 1/4 mile radius around the intersection of W Broadway and Penn Aves, now recommends concurrence in the recommendation of the Planning Commission adopting the related findings prepared by the Planning Department and approving the proposed modifications to the official zoning maps in the City's zoning code as detailed in the maps and tables contained in Petn No 268693, as updated 3/27/03.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Schiff moved that the report be postponed until 5/2/03. Seconded.

Adopted upon a voice vote.

Z&P - Your Committee, having under consideration the proposed amendments to The Minneapolis Plan relating to the West Broadway Rezoning Study, now recommends concurrence in the recommendation of the Planning Commission approving the designation of West Broadway as a commercial corridor between Girard and 26th Aves, and making the necessary corrections to the North Sector Land Use Policy map of The Minneapolis Plan, and to the "Commercial Corridors" and "Community Corridors" tables in Chapter 4 of The Minneapolis Plan, as outlined in the staff report contained in Petn No 268693, subject to review and adoption by the Metropolitan Council.

Schiff moved that the report be postponed until 5/2/03. Seconded.

Adopted upon a voice vote.

**RESOLUTION
RESOLUTION 2003R-134
By Ostrow**

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by reducing City Department budgets in the General Fund in the following manner, pursuant to the layoff strategies on April 1, 2003:

a) Decreasing the City Clerk-Elections budget in the General Fund (0100-260-2600 and 0100-264-2640) by \$2,327,346. The newly revised total for the Clerk's office budget will be \$1,790,787;

b) Increasing the City Council budget in the General Fund (0100-240-2400) by \$1,800,229. The newly revised total for the City Council will be \$2,923,374. This newly revised total includes the budgets for the Council's ward staff and the ward non-personnel budgets, previously budgeted in the City Clerk's office.

c) Decreasing the Mayor's office budget in the General Fund (0100-375-3750) by \$25,021. The newly revised total for the Mayor's office will be \$868,571.

Adopted 4/4/03. Yeas, 9; Nays, 4 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Benson, Goodman, Lane, Niziolek.

UNFINISHED BUSINESS

Goodman moved that the Community Development and Ways & Means/Budget Committee report relating to the CPED Organizational Structure continue to be postponed. Seconded.

Adopted upon a voice vote.

Lilligren moved that the meeting be adjourned. Seconded.

Adopted.

Adjourned.

Merry Keefe,
City Clerk.

Created 4/8/2003:
Modified: 4/10/2003; 4/29/2009
Corrected: 4/28/2003